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DEFENSE ENVIRONMENTAL RESPONSE TASK FORCE
FEBRUARY 2, 1999

ORIGINAL

1 TASK FORCE MEMBERS:

2 MS. KARLA PERRI
3 Assistant Deputy Under Secretary of
4 Defense, U.S. Department of Defense;

5 MR. STAN PHILLIPPE
6 California Environmental Protection
7 Agency;

8 MR. WILLIAM D. GRAY
9 The Environment and Energy Study
10 Institute;

11 MR. BRIAN K. POLLY
12 Assistant Commissioner,
13 U.S. General Services Administration;

14 MR. J. STEVEN ROGERS
15 Acting Counsel for State and Local
16 Affairs, Environment and Natural
17 Resources Division, United States
18 Department of Justice;

19 MR. JIM WOOLFORD
20 U.S. Environmental Protection Agency;

21 MR. THOMAS EDWARDS
22 State Attorney General's Office,
23 State of Texas;

24 GEN. MILTON HUNTER
25 U.S. Army Corps of Engineers;

MR. PAUL O. REIMER
Reimer Associates,
Representative of the Urban Land
Institute.

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1 On the 2nd day of February, A.D.
2 1999, at the Cathedral Hill Hotel,
3 1101 Van Ness Avenue, in San Francisco,
4 California, the above entitled meeting came on
5 for discussion before said KARLA PERRI, and the
6 following proceedings were had:

7 MR. CHOUDHURY: Please take your
8 seats. Please take your seats so that the
9 meeting can start.

10 Good afternoon. This is a meeting of the
11 Defense Environmental Task Force or DERTF. I
12 am Shah Choudhury, the Executive Secretary of
13 the Task Force. I will start by making some
14 administrative remarks before turning the floor
15 over to the Chair.

16 The Task Force is governed by the Federal
17 Advisory Committee Act, its charter and the
18 procedural rules adopted by the members. I
19 will briefly review the provisions of FACA as
20 it applies to this meeting. The Federal
21 Advisory Committee Act rules specify that
22 meetings of the advisory committees must be
23 open to the public, as this one is.

24 A specific FACA requirement is timely
25 notice of the meeting. The Federal Register

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1 notice for this meeting was published on
2 December 18th, 1998. FACA requires providing
3 an opportunity for public participation in the
4 meetings of the Task Force and providing access
5 to documents provided to the Task Force
6 members. Anything entered into the public
7 record of the meeting can subsequently be made
8 available upon request by any individual. This
9 meeting complies with those requirements under
10 FACA.

11 By the procedural rules of the Task Force,
12 a quorum of five members is required. A quorum
13 of members sufficient to meet that requirement
14 is present. Namely, the members and the
15 designated alternates are Ms. Perri, Mr. Polly,
16 Major General Hunter, Mr. Rogers, Mr. Woolford,
17 Mr. Reimer and Mr. Gray. They are present and
18 satisfy the quorum requirements for the
19 meeting.

20 I will now highlight some of the
21 additional procedures we will follow during the
22 next two days. This afternoon and tomorrow
23 morning and afternoon, the members of the
24 Task Force will hold their business meeting.
25 During this meeting, we are being assisted by a

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1 stenographer who -- so it is important that
2 only one person speak at a time so that we can
3 accurately capture the discussions so that we
4 can produce accurate minutes of the meeting.

5 Members and presenters are asked to please
6 use the microphones for all presentations and
7 discussions. Presenters are requested to
8 reserve time in their allotted presentation
9 period for question and answers from the
10 Task Force members. To help us keep on
11 schedule and facilitate movement of speakers to
12 the podium and panel table, I would ask that
13 this afternoon's presenters sit in the reserved
14 seats for speakers near the podium and for the
15 members to reserve questions until all the
16 members of each panel have made their
17 presentation. I will also request the
18 presenters to please stay up front until the
19 question and answer period for your segment is
20 over.

21 Presentation handouts that I received
22 prior to this meeting were made available on
23 the DERTF homepage on the World Wide Web. If
24 presenters have additional handouts, I request
25 that you provide me with ten copies for the

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1 members and the record, and, if you have extra
2 copies, if you could please place them on the
3 handout table. The handout table is to my
4 left -- that side of the room.

5 Over the next two days, there is a fair
6 amount of material to cover. Your cooperation
7 in keeping to the schedule is deeply
8 appreciated. Observers who would like to
9 provide information as we go along to
10 understand -- to help enhance the understanding
11 of Task Force members are encouraged to do so
12 at all times -- during breaks, lunch, so on.
13 They're also encouraged to provide input via
14 the computer stations set up in the adjoining
15 room. Attendees are also welcome to address
16 follow-on questions to presenters or to members
17 during breaks.

18 In addition to providing comments via the
19 computers, members of the public are also
20 invited to participate in this meeting by
21 speaking at the public comment periods set for
22 both this evening and tomorrow evening.
23 Tonight's session runs from 6:30 to 9:00 p.m.,
24 and tomorrow's is set for 5:30 to 8:30 p.m.
25 Although the schedule is full, we will try to

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1 keep to breaks as scheduled on the agenda.

2 There's a restaurant on the first floor of
3 the hotel as well as several places within
4 walking distance. The hotel concierge can help
5 you if you need more information. The phones
6 are located on this floor behind where I am
7 sitting. As you're looking at the phones, the
8 men's room is to the right and the ladies' room
9 is to the left.

10 At this time -- this concludes this set of
11 administrative remarks. I'll be making
12 additional administrative remarks throughout
13 the meeting. And, at this point, I want to
14 turn the floor over to the Chair of the
15 Task Force.

16 MS. PERRI: Thank you.

17 On behalf of the DERTF Task Force members,
18 I would like to welcome you to the meeting
19 today and -- particularly, we are very pleased
20 to be here in San Francisco. I hope everyone's
21 had an opportunity to get some time to walk
22 around and enjoy the city before we start our
23 activities today. I also want to thank Shah
24 and all the other people who have helped
25 arrange the meeting and set things up.

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1 As Shah mentioned, this is our

2 fifteenth meeting and we're here to do some new
3 things at this meeting. In particular, we're
4 expanding our public comment. The room to the
5 right -- we have a bank of computers set up --
6 and we'll be taking public comments all day
7 long. We have people from each of the
8 Services, as well as the office of the
9 Secretary of Defense to show you how to log
10 onto our computers and to input your comments
11 directly to us. In addition, we'll have two
12 public comment periods, one this evening and
13 one tomorrow evening.

14 The format for the period this evening
15 will be divided between the traditional format
16 that we normally use and a new format that
17 we're going to be trying out -- and, then,
18 tomorrow, we'll be doing the traditional format
19 again. So, this evening's comment period will
20 be two one-and-a-half-hour sessions with two
21 different types of formats -- and we believe
22 that this change will encourage, hopefully, you
23 to give your comments most specifically and
24 directly to us individually -- and, hopefully,
25 get some resolution to the issues that you need

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1 resolved at this time.

2 In addition, I want to call your attention

3 to some very special guests we have here.
4 Denise Chamberlain, the Deputy Secretary of
5 Environment for the State of Pennsylvania is
6 with us, along with Jim Schneider, her deputy.
7 Pennsylvania has worked very closely with the
8 Department of Defense over the past 18 months
9 to enter into what we call a voluntary cleanup
10 agreement -- and it's a new approach that we're
11 trying as a way of moving our cleanups faster,
12 cheaper and better -- and I hope that all of
13 you will take the time to meet Denise and get
14 to know her. She'll be doing a presentation on
15 this tomorrow, but we think that we have had a
16 lot of success in approaching cleanup
17 differently. We're not focused on process as
18 much as results. We're there to clean up the
19 property and to get it transferred and Denise
20 and her team have been instrumental in giving
21 us some new ideas and new approaches to
22 resolving some problems.

23 We also have distinguished members from
24 each of the Services here; Rick Newsome from
25 the Army, Jean Reynolds from the Air Force and

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1 Paul Yaroschak from the Navy. We also welcome
2 for the first time, Major General Hunter, as a

3 panelist here -- a DERTF member -- and I --
4 of course, it wouldn't be appropriate to not
5 recognize Pat Rivers, who has sat in this chair
6 so many times -- and, really, I feel so
7 fortunate to have inherited an office with
8 wonderful staff and a program that she really
9 put into place for the Department of Defense --
10 and we have Pat to thank for that.

11 Right now, I'd like to turn to each of the
12 members and have you all give brief
13 comments -- brief opening comments -- and,
14 then, we'll have our first speaker.

15 Don? Would you like to start?

16 MR. GRAY: Thank you. My name is
17 Don Gray and I'm the environmental public
18 interest representative on the Task Force.

19 I must say that I am very pleased that --
20 to see that today's meeting -- today and
21 tomorrow's meeting, as a matter of fact -- are
22 devoted largely to the various aspects of how
23 we can get more effective public participation
24 in the process of cleaning up and reusing these
25 bases and -- because I am the public interest

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1 representative, that's something that makes me
2 very, very happy and I'm -- I'm glad we're
3 devoting most of this meeting to various

4 aspects of that subject and I think a lot of
5 very valuable information will come out of it.
6 I -- I believe that it was the intention of the
7 Congress when it passed the legislation
8 creating the Task Force that it would serve as
9 a two-way conduit for information between --
10 not only the Department of Defense, but the
11 various other federal agencies that have some
12 responsibilities in the area -- and the people
13 who are most directly affected by those
14 activities and that is the people who live
15 around and work in those bases and who are
16 attempting to effectively reuse those bases in
17 an environmentally sound manner. So, I think
18 this is kind of a landmark meeting as far as
19 I'm concerned.

20 Thank you.

21 MS. PERRI: Great. Thank you.
22 Jim, would you like to say something?

23 MR. WOOLFORD: Sure. Thank you,
24 Karla.

25 My name is Jim Woolford. I am here

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1 representing the Environmental Protection
2 Agency. I am the alternate for this meeting
3 for Tim Fields, our Acting Assistant

4 Administrator. Tim sends his regrets that he
5 could not make the meeting. But with the
6 budget rollout in Washington yesterday and
7 subsequent follow-ons, Tim's duties in
8 Washington took him there.

9 I am happy to be back out in the
10 Bay Area. This area has been probably hit the
11 hardest by all the rounds of BRAC. But in so
12 doing, I think there are lots of lessons that
13 have -- we have learned out here and I am
14 looking forward to hearing those lessons and
15 seeing what we can do to pass them on to
16 others. I'm also -- like Don -- looking
17 forward to the public comment periods and
18 hearing from the public -- because I think that
19 there is just a lot to be learned there and
20 there's -- there's so much to be gathered, it's
21 even -- it sort of boggles the mind about just
22 what we've been doing -- and -- and, then,
23 finally, we have set up a tribal panel and I
24 think that there are many unique issues with
25 the tribes that we have been learning about and

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1 I think it's an area that we've been
2 neglecting. So, I am looking forward to that.
3 I have gotten some pre-briefs on it for members
4 of the board and for the public and -- and I

5 think it's going to be very informative for you
6 all to listen to that.

7 Thank you.

8 MS. PERRI: Thank you, Jim.

9 Thomas, would you like to speak?

10 MR. EDWARDS: Thank you. My name is
11 Thomas Edwards and I bring you greetings from
12 Texas. I have a new boss. Attorney General
13 John Cornyn of Texas just took office on
14 January the 1st. I had the opportunity to
15 brief him last week on the workings of DERTF
16 and he expressed a great deal of interest in
17 the subject, not only because we have closing
18 bases in Texas, including one in his hometown
19 of San Antonio, but also on behalf of the
20 National Association of Attorneys General.

21 I do appreciate the opportunity to
22 participate in this meeting on behalf of NAAG,
23 the National Association of Attorneys General,
24 and the Attorney General of Texas. I'm looking
25 forward to the meeting. It looks like a full

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1 agenda. I'm looking forward to the public
2 comment and I will have a presentation tomorrow
3 on institutional controls.

4 Thank you.

5 MS. PERRI: Okay. Thank you.

6 Major General Hunter.

7 GEN. HUNTER: I'm Major General
8 Milton Hunter, the Director of Military
9 Programs in the Headquarters of the U.S. Army
10 Corps of Engineers. This is my first DERTF
11 meeting and I'm really looking forward to it --
12 to hear the level of public participation in a
13 very important program, I think, for the entire
14 Department of Defense -- and, certainly, the
15 areas that are affected. I understand that
16 many of you have traveled from many places to
17 be here -- to provide that public input and I'm
18 looking forward to it.

19 Ms. Rivers, who the Corps captured from
20 the Office of the Secretary of Defense, is my
21 Chief of my Environmental Division and,
22 certainly, my alternate. So, Pat, it's good to
23 have you come with me for this meeting.

24 I think there's a -- there are a number of
25 items here that are certainly of interest to

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1 me. In my previous life, I had this region out
2 here. We called the Corps South Pacific
3 Division. So, I've worked with a number of the
4 federal and state agencies out here in
5 California as I have in other parts of the

6 country. I'm looking forward to today's and
7 tomorrow's meeting.

8 Thank you.

9 MS. PERRI: Thank you.

10 Mr. Reimer?

11 MR. REIMER: Thank you, Karla. I'm
12 Paul Reimer. I represent the Urban Land
13 Institute as a member of this Task Force and
14 I've been the designee from the Urban Land
15 Institute since 1993.

16 I would certainly say, "Amen," to Jim's
17 comments that the Bay Area where I reside has
18 had a maximum hit from base closure -- and that
19 is, of course, much of the discussion that
20 we'll be hearing through this session. But I
21 am pleased to make the observation that
22 progress on the base cleanup and property
23 conveyance has now resulted in increased
24 opportunity for private developers to bring the
25 financing as well as community building skills

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1 to the reuse of our closing military
2 installations.

3 The recent effort to allow Fast-Track
4 property release by means of the Section 334
5 Early Transfer Authority offers even more and

6 new tools for the local and state agencies to
7 use to expedite reuse and economic recovery.
8 It's my view that DERTF should be monitoring
9 the use of Section 334 very actively and that
10 it should be considered as an early transfer
11 means, which is right down the line of the --
12 of the responsibility of this particular
13 Task Force.

14 So, I'm hopeful that we'll see additional
15 reports and attention paid to the timely and
16 successful use of the 334 initiative and we
17 should be publicizing the good results from
18 that program.

19 MS. PERRI: Thank you.
20 Steve?

21 MR. ROGERS: My name is
22 Steven Rogers. I am the alternate
23 representative from the Attorney General and
24 I'm representing Ms. Reno and my immediate
25 boss, Assistant Attorney General Lois Schiffer,

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1 and I, too, echo the comments here by
2 Mr. Woolford and Mr. Gray in the taking of
3 public comment and hearing what the local
4 people in this area have to say. This is a
5 particularly important thing for my boss,
6 Lois Shiffer, to make sure that the public has

7 an opportunity to be heard and to be responded
8 to -- and I think we're trying some new things
9 at this meeting that, hopefully, will enhance
10 our ability to do that.

11 Also, welcome the -- the other
12 co-sovereign's panels from the states and
13 tribes to share their views with us. I also
14 have the sad duty to report to the other DERTF
15 members the untimely passing of
16 Elizabeth Osenbaugh, who was the Justice
17 Department representative up until two years
18 ago -- returning to her beloved Iowa and she
19 died unfortunately on New Year's Day from a
20 very fast-moving cancer.

21 But looking forward to this meeting and
22 learning, as I do every time, more about how to
23 make this process work better.

24 MS. PERRI: Thank you.

25 Stan?

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1 MR. PHILLIPPE: Thank you, Karla.
2 My name is Stan Phillippe. I work for the
3 California Environmental Protection Agency and
4 we represent the National Governors'
5 Association at this meeting.

6 I also welcome you all to the Bay Area.

7 It's -- I think -- a good setting for a DERTF
8 meeting given what you've heard from the other
9 panel folks about the number of closing
10 installations in this area. There are
11 29 closing bases in California and many of them
12 are right here in the Bay Area.

13 San Francisco rolled out some beautiful
14 weather as it's capable of doing in February
15 for you. The workload here in California and
16 around the country by state agencies is
17 tremendous. In California, we have over 4,000
18 discrete sites that the Services and the states
19 are addressing at 170 bases in the state,
20 including those 29 closing bases. There have
21 been a lot of successes that we can point to.
22 Right here in the Bay Area, there was the first
23 partial delisting from the national priorities
24 list of a piece of a Navy base at
25 Hunters Point. We've had two early transfers,

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1 which is a good fraction of the total in the
2 country, just up the road at my hometown in
3 Sacramento at Mather Air Force Base -- and we
4 got to looking at the DoD web site on successes
5 in the program and I think one thing that we
6 pulled down off of DoD's web that kind of
7 summarizes it -- at least for us here in

8 California -- is that DoD is pointing to
9 \$485 million worth of cost avoidance and
10 savings in their cleanup program in California
11 as a result of efforts by state and federal
12 regulators in -- in conjunction with DoD. So,
13 it's something that we think we play an
14 important role in and want to continue to do
15 that, despite the fact that there have been a
16 lot of spotlight recently in -- in the press as
17 a result of some enforcement actions that we
18 had to take here in -- in California -- and we
19 did that in order to try to move things along
20 more quickly. I don't want to spend the time
21 harping about that, but I think we're on the
22 track to having those things resolved. States
23 in general want to see that state environmental
24 requirements are met and that the cleanups are
25 safe and allow for expeditious reuse and we

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1 think that -- that meeting state requirements
2 is an important part of that.

3 Another issue that the states want to
4 convey to -- to -- today -- has to do with
5 the formerly-used defense sites. In
6 California, there are around 1,000-plus
7 formerly-used defense sites -- estimated

8 cleanup price tag in California in the
9 neighborhood of \$2 billion is what I've seen --
10 and that some states have been surveyed as to
11 how they feel about the progress in FUDs
12 program and they're concerned that there are
13 some sites that are moving through the system
14 and -- and the FUDS program that are kind of
15 leaving the states in the dust and sites are
16 being no further actioned sometimes
17 inappropriately. With respect to BRAC,
18 of course, the state's primary concern is that
19 there's adequate continued funding for
20 cleanup.

21 We -- We did a little table recently just
22 to look at how things are going in the
23 San Francisco Bay Area and made a table showing
24 the -- the funding to date, the remaining cost
25 to completion, when the last remedy is expected

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1 to be in place and what the annual budget is
2 now -- just to kind of get a feel for, "Are we
3 putting the right amount of money in to get the
4 job done in the time that we hope to get the
5 job done?" And in almost every case, there's
6 going to have to be some serious acceleration
7 of the funding curve in the latter years or
8 we're just not going to get out of here by the

9 time that is projected to complete the work.
10 So, that's -- that's the pitch from the NGA --
11 is to keep the money flowing.

12 Thank you.

13 MS. PERRI: Okay. Thank you.

14 And Brian?

15 MR. POLLY: My name is Brian Polly
16 and I represent the General Services
17 Administration. I'm very happy to be here.
18 This is my tenth DERTF meeting.

19 A couple of quick things: Number one,
20 I'm very interested in the partnership that we
21 have with DoD, the Services, EPA and the states
22 and the attorney generals in working
23 hand-in-hand to streamline cleanup and also to
24 accelerate transfer of government property. I
25 think we're working very well towards that

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1 endeavor -- and, again, I think Stan and some
2 of the others here have elaborated on that.

3 Secondly, I'm very interested in public
4 involvement. We learn an awful lot when we
5 come up here and talk to the public -- find out
6 about their concerns and about their issues and
7 address those.

8 Thirdly, we're very interested in new

9 ideas and technologies -- and coming from my
10 home State of Pennsylvania, I can't wait to
11 hear from them about the voluntary cleanup
12 program.

13 And, lastly, I look forward to tomorrow to
14 hear from the Native Americans -- because,
15 again, we do have a major impact in working
16 with them across the United States -- and they
17 have a number of things that they want to
18 present to us and we're here to understand and
19 work with them towards future endeavors.

20 Thank you.

21 MS. PERRI: Thank you.

22 MR. CHOUDHURY: At this point, I
23 would like to invite Mr. Sean Randolph of the
24 Bay Area Economic Forum to make some
25 introductory welcoming remarks.

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1 MR. RANDOLPH: Thank you very much.
2 On behalf of the Bay Area Economic Forum and
3 the Bay Area community, I'd like to extend a
4 very warm welcome to this panel of the Defense
5 Environmental Restoration Task Force and I'd
6 also like to welcome the other speakers and our
7 other guests who will be addressing the panel
8 over the next two days.

9 I don't know whether -- before that's

10 over, you'll have to adjust this podium.
11 Otherwise, everybody on this side is going to
12 have a pretty strained neck, I think -- but I
13 see you have an executive strip of chairs --
14 that -- that may help it. I was just amazed
15 seeing your program to see how packed you are
16 until late at night and not getting the
17 opportunity to go out and enjoy much of
18 San Francisco. So, I hope somehow -- Well,
19 we're kind of a late night town -- but you'll
20 get the chance to enjoy our city a little bit
21 while you're here -- or if not, come back soon.

22 What I'll try to do very briefly is just
23 set the stage for the much more detailed
24 conversations that are going to follow over the
25 next two days, but the presence of your panel

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1 here today is particularly significant for us
2 here in the Bay Area because of the
3 extraordinary impact of base closure in the
4 Bay Area. The bases closed in the Bay Area
5 represent the highest concentration of closures
6 of any metropolitan region in the country.
7 We're about 15 percent of all the base closures
8 in the U.S. This has resulted in an
9 approximate revenue lost to the region of about

10 a billion dollars annually and combined
11 military/civilian job losses of about 45,000
12 and that civilian job loss is about 30 percent
13 of all the jobs lost in the civilian side
14 nationwide through base closure.

15 The 12 major facilities we're talking
16 about right now that have been closed or
17 transferred in the region are Alameda Naval Air
18 Station, Alameda Naval Aviation Depot, Hamilton
19 Army Airfield, Hunters Point Naval Shipyard,
20 Mare Island Naval Shipyard, Moffett Naval Air
21 Station, Oakland Army Base, Oakland Naval
22 Hospital at Oak Knoll, the Oakland Fleet and
23 Industrial Supply Center, Point Molate Naval
24 Supply Center, Presidio Army Base and
25 Treasure Island Naval Station. There are other

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1 military facilities here that are operational,
2 such as Onizuka Air Station down in Sunnyvale,
3 which will be realigned this year in 1999 and
4 closed by the year 2008. There's also -- in
5 the East Bay -- the Concord Naval Weapons
6 Station, which was recently downgraded and made
7 an annex of the Seal Beach facility -- now
8 called the Naval Weapons Seal Beach
9 Detachment -- which is considerably smaller
10 than it was a few years ago and is probably

11 imperiled. Also, there's the Coast Guard
12 Training Center in Petaluma and the Naval
13 Facility at Skaggs Island. But as you can see,
14 the fast majority of these facilities are
15 closed.

16 Now, this pattern represents a geographic
17 spread throughout the Bay Area, from
18 San Francisco in the North Bay to the East Bay
19 to the South Bay. Six counties in all are
20 affected by the process; Alameda,
21 Contra Costa -- which are in the East Bay --
22 Marin in North Bay, San Francisco, Santa Clara
23 and Solano Counties. Most-affected communities
24 are Alameda and Oakland and Richmond,
25 San Francisco and Vallejo -- and the future of

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1 these base properties is, therefore, a subject
2 of truly regional significance for us here in
3 the Bay Area.

4 We see this process of conversion as --
5 not only a challenge, which -- which it
6 obviously is -- but also an opportunity to
7 redevelop land in an area that is notoriously
8 scarce on land because of our geographical
9 constraints with the bay and with the
10 mountains -- and an opportunity to convert the

11 former bases into socially and commercially
12 productive uses that will help to accelerate
13 economic growth here. But to achieve that,
14 however, the bases obviously need to be
15 accessible to commercial tenants and they need
16 to be environmentally safe. We're particularly
17 concerned, therefore, that the environmental
18 cleanup of the bases proceed in an expedited
19 fashion and that new closures not occur in the
20 2001-2005 period that would divert money away
21 from the completion of the cleanup processes in
22 already-impacted communities. The federal
23 government should, we believe, ensure and
24 encumber sufficient funds in the federal budget
25 to complete the environmental cleanup at all

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1 currently-affected communities and bases in a
2 timely manner.

3 Now, despite the progress in cleanup and
4 federal expenditures of about \$402 million,
5 only a third of the bases' total acreage is
6 environmentally suitable at this time for
7 long-term use. Thirty-five percent of the
8 cleanup funds that have been expended to date
9 have been spent at the Presidio and at
10 Moffett Field, which are the two sites that
11 were transferred to other federal agencies

12 rather than to local communities -- and the
13 estimated cost of the further cleanup that's
14 still required is almost \$1.1 billion -- and in
15 recent years less than half the projected costs
16 needed for each year's cleanup has actually
17 been budgeted, which has resulted in an
18 extremely slow cleanup process and, therefore,
19 a very slow conversion process.

20 We also believe as part of that process,
21 more generally, that federal leasing and review
22 procedures need to be streamlined to accelerate
23 and support local communities' reuse programs
24 and that additional measures, such as perhaps a
25 federal revolving fund for military base and

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1 for structure improvements should be considered
2 as another means to help local communities
3 upgrade and convert existing infrastructure.

4 Now, if we look at this in the context of
5 the Bay Area, we define the Bay Area as being
6 the nine counties that border the Bay itself --
7 and that's Napa, Sonoma and Marin Counties in
8 the North, Solano, also, to the northeast.
9 Headed south, we have San Francisco/San Mateo
10 County on the peninsula, Contra Costa County on
11 the East Bay, Alameda County all the way down

12 to Santa Clara County in the north, and, in
13 all, this region has a population of over 6.5
14 million people. It's the fourth largest
15 metropolitan area in the country and a
16 workforce of more than 3.2 million.

17 In recent years, through the -- certainly
18 since the early 1990s, the Bay Area has enjoyed
19 extraordinarily strong economic growth -- and
20 this has been led by our, really, unique high
21 technology sectors, by our -- our knowledge and
22 intensive industries, a strong service sector
23 and by exports -- this really has emerged as
24 the most dynamic, fastest-growing export region
25 in the country. Our major industries include

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1 computers and electronics, telecommunications,
2 bioscience, environmental technology and
3 services, banking, financial services, business
4 services, tourism, of course -- we hope you'll
5 try some of that -- retail trade,
6 agri-business -- the wine country -- and food
7 processing -- and there's a real opportunity in
8 this region, again, where land is very, very
9 much in short supply to locate many of these
10 industries on the bases. We think that
11 business incubators could locate on the bases,
12 bringing special benefits to small companies in

13 the adjacent communities.

14 Generally speaking, we've identified a lot
15 of potential uses on the bases -- such as
16 conference facilities, shipping and
17 distribution for some of the water site ones.
18 There's recreation sites, tourism sites,
19 potentially, and movie and TV production,
20 residential development, light manufacturing
21 and industrial uses, R&D, with the priorities
22 varying with the different local reuse plans --
23 and we've had some real successes. They've
24 been very slow, but real successes.

25 On Alameda Point, for example, there is

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1 significant light manufacturing and R&D going
2 on. There's been quite a bit of filming going
3 on at these bases. We think that these big
4 hangars are great locations for film studios.
5 Lots of TV programs like Nash Bridges, movies
6 like Sphere, What Dreams May Come, the
7 Robin Williams' movie -- many of these movies
8 are now filmed here on the bases. At
9 Hamilton Field up in Marin County they're
10 finally building a planned environmentally
11 sustainable community, which is going to be a
12 major residential location in the region. But

13 with all these opportunities, job creation and
14 the opportunity associated with the bases has
15 been uneven -- and for all of our job growth,
16 job growth and employment in the communities
17 adjacent to many of these bases is still
18 lagging the rest of the region. So, we can't
19 take our general economic success in the
20 Bay Area as necessarily reflecting the
21 conditions in the communities that are located
22 by the bases. While our unemployment rate
23 low -- is low overall in the region, most of
24 the communities near the bases continue to face
25 significantly higher unemployment levels.

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1 Regional growth, while it's very
2 strong -- job growth -- it's also slowing.
3 The latest data shows a 2.2 percent job growth
4 through the third quarter of '98 compared to
5 3.8 percent in the comparable period of '97.
6 Now, that's still very good, but we are looking
7 at a continued slowing of the economy in this
8 region through '99, at least. Also, our
9 exports from the Bay Area are being very
10 seriously impacted by the economic problems in
11 East Asia, because a lot of our exports go
12 there -- more so than most regions of the state
13 or of the country -- and that's further slowing

14 manufacturing in the area. So, we're -- we're
15 especially concerned for all these reasons
16 that, despite the fact that the regional
17 economy is quite strong, that the conversion
18 and the economic development at these bases be
19 expedited, and successfully attracting and
20 retaining these new commercial and residential
21 residents is going to depend directly on the
22 speed and effectiveness with which the cleanup
23 process occurs.

24 There's one other issue or opportunity
25 related to the bases that I would mention --

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1 that concerns water transit. I know that's not
2 what you're concerned with directly, but all of
3 the recent polls and what we experience every
4 day here in this region indicates that the
5 number one problem the Bay Area faces is
6 transportation. Our -- Our bridges are
7 reaching permanent gridlock. Our roadways are
8 gridlocking. Every forecast is for 200 percent
9 increase in traffic on the roads over the next
10 20 years, which means -- it's -- it's very
11 difficult to contemplate -- and that affects
12 our quality of life. It affects our economy.

13 One of the answers to that problem,

14 we believe, is water transit -- and my
15 organization is currently co-managing a project
16 for the state to come up with a comprehensive
17 plan -- and Paul Reimer is on the task force
18 for that -- for development of a water transit
19 system -- a high-speed mass transit ferry
20 system from San Francisco Bay -- that could be
21 built over the next 15 to 20 years, but a
22 project that would get off the ground as early
23 as the end of this year. We -- We think there
24 is a unique opportunity for the bases in this
25 area, because all but one of the bases in the

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1 area that is -- are closed are located on
2 bay-front property. We think that locating
3 ferry terminals on these bases can be not only
4 a huge benefit for the region because of the
5 waterfront location, the land that is available
6 for development there, but those terminals can
7 contribute to the region's emergency
8 preparedness -- since we know a big earthquake
9 is going to come here one of these days and
10 when it does, we don't know what's going to
11 happen to the roads or the bridges, but we do
12 know that boats are going to continue to run on
13 the water. We also think that in addition to
14 contributing to regional mobility, these

15 terminals are going to contribute to
16 development on the bases -- that they're going
17 to lead to the laying in of infrastructure,
18 linking the bases with the regional
19 transportation network on the land, with buses,
20 with light rail, with the surrounding
21 communities and that they're also going to
22 stimulate retail and commercial development
23 around the terminals, because people are going
24 to want housing close to public transit,
25 businesses are going to be want -- are going to

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1 want to be close to public transit -- and from
2 those points, they can move anywhere in the
3 region.
4 So, for all these reasons, we really
5 regard the former bases, as I said before, not
6 only as a challenge -- which for the policy
7 reasons I mentioned earlier, it is and we're
8 very concerned about those -- but successfully
9 managed as a major opportunity for the region
10 for which the successful and the timely cleanup
11 of the bases is an absolute prerequisite. So,
12 with that -- just to set the stage -- I'd like
13 to welcome you all again and say that we look
14 forward to a very productive two days of

15 conversation.

16 Thank you.

17 MS. PERRI: Thank you very much. And
18 before you leave, I guess, I would ask you to
19 follow up for the Task Force on a couple
20 things. You specifically mentioned that you
21 wanted to move the property quickly. What do
22 you think we can do to help that? What are the
23 specific holdups at the bases? Please identify
24 them directly and let us know what we can do to
25 move that along.

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1 Secondly, on this issue of water
2 transport, give us a little bit more details
3 on, you know, who you think we could help
4 involve for you as a way of moving this
5 property along? I think that would be helpful
6 to us.

7 MR. RANDOLPH: Absolutely. On both
8 of those, Linda Perry, who works on the base
9 issues for us right here -- I think it's either
10 today or tomorrow -- we prepared a paper last
11 fall on streamlining the base conversion
12 process --

13 MS. PERRI: Okay.

14 MR. RANDOLPH: -- that lays out a
15 number of very specific recommendations

16 regarding streamlining the leasing process to
17 help the local communities. So, we'll share
18 that with you --

19 MS. PERRI: Okay.

20 MR. RANDOLPH: -- but there are some
21 very specific ideas in there.

22 MS. PERRI: Thank you.

23 MR. RANDOLPH: Regarding the -- the
24 water transit, we're just beginning with our
25 local congressional delegation to explore the

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1 sources of support from the federal government
2 for this project as well as the state
3 government as it gets moving -- and it actually
4 would be very helpful to us -- I'll get you all
5 the relevant documentation on that -- because
6 we will be looking to get federal support for
7 putting these terminals on the bases as
8 stimulus to the development therein. Any
9 advice or support for that would be very much
10 appreciated.

11 MS. PERRI: Okay. Because I -- I
12 think what you're pointing out is rather than
13 just having us -- our -- our part is really to
14 make sure the cleanup happens, but the cleanup
15 is only one component of moving this property,

16 which is really the key goal of BRAC -- and
17 what we might want to think about -- and how we
18 could improve or change things for you in the
19 Bay Area is how we might package things and put
20 together a package of federal assistance as
21 opposed to just focusing on our cleanup issues.

22 MR. RANDOLPH: Yeah. That would be
23 excellent -- and that's why I mentioned some of
24 these other issues -- because our ultimate
25 goal, I think, is the same as yours -- which is

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1 to get these properties converted as quickly
2 and successfully as possible and we see the
3 environmental cleanup as a key prerequisite to
4 any of that moving forward, but we're looking
5 beyond that also at the ultimate goal. So, to
6 the extent that these things can be packaged
7 together, that's very, very helpful.

8 MS. PERRI: Okay. And I would like
9 to respond to one other issue, which is with
10 the announcement of two additional BRAC rounds,
11 does that mean we will neglect or reduce
12 cleanup at existing sites? And the answer to
13 that, of course, is no. We are committed to
14 cleaning up the bases that have gone through
15 the previous rounds. With the new rounds, new
16 and additional monies will be allocated -- and,

17 in fact, the Department of Defense has sent
18 legislation to the Congress requesting that
19 they extend funding for BRAC through 2005 to
20 make sure that we do have the funding there.
21 So, that's not an issue.

22 MR. RANDOLPH: Very encouraging to
23 hear that.

24 MS. PERRI: Thank you very much.

25 MR. RANDOLPH: Thank you very much.

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1 MR. CHOUDHURY: Thank you.

2 The next item on the agenda is business
3 items. The first of which -- being the
4 adoption of the minutes for the July 21-23,
5 1998, Task Force meeting held in Skokie,
6 Illinois.

7 Draft minutes were sent to the members
8 around 21 October with comments due 16
9 November. I believe the comments that we
10 received were incorporated into the present set
11 of draft -- final draft minutes -- and, now, I
12 ask the Task Force to act on -- on those
13 minutes.

14 MR. GRAY: I move the adoption of the
15 minutes, Madam Chair.

16 MR. POLLY: Second.

17 MS. PERRI: Anyone --
18 MR. EDWARDS: Madam Chair, I don't
19 recall exactly what -- the comments I made last
20 October -- but on Page 10, I'm quoted as
21 saying, "Mr. Edwards suggested that
22 conservation easements are used in many
23 states." I don't think I said that. I hope I
24 didn't, because I -- I don't know that.
25 MS. PERRI: Okay.

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1 MR. EDWARDS: And, so, I -- I think
2 that --
3 MS. PERRI: Would you ask that we
4 delete that sentence?
5 MR. EDWARDS: Well, I would ask that
6 you check the transcript or --
7 MS. PERRI: Okay.
8 MR. EDWARDS: I think the correct
9 statement would be, "Conservation easements may
10 be used in some states."
11 MS. PERRI:
12 MR. EDWARDS: I think that would be
13 correct.
14 MS. PERRI: We will double-check and
15 correct it. But with that minor addition,
16 everyone agrees?
17 MR. EDWARDS: Yes.

18 MS. PERRI: Okay. They're accepted.
19 Thank you.
20 MR. CHOUDHURY: Accepted minutes of
21 the July, '98, meeting accepted by unanimous
22 consent.
23 The second business item is review of the
24 action items of the Task Force. These were --
25 action items were posted on the web last

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1 week -- 27 January, I believe. Right now, we
2 have nine open action items. Essentially, six,
3 I think, that EPAs has the lead on and three
4 that National Association of Attorneys General
5 having the lead. There is one action item on
6 Lead-Based Paint Field Guide. I believe DoD,
7 now, is leading a work group to put together
8 that field guide with participation from EPA,
9 GSA and HUD -- and if there are no objections
10 from the Task Force -- as a bookkeeping
11 measure -- from now on, I'll show DoD as the
12 lead on that action item.

13 MS. PERRI: Any objections?

14 MR. CHOUDHURY: No objections?

15 So ordered.

16 MS. PERRI: All right.

17 MR. CHOUDHURY: Eight action items

18 are being closed since the last meeting -- four
19 of them, in particular, at this meeting -- and
20 they are -- those four action items are DoD
21 Presentation on Land Use Controls, which I
22 believe Ms. Rivers will be talking to you
23 tomorrow; a public involvement panel that
24 Mr. Gray organized, which will be later on
25 today; Tribal Native American Cleanup at BRAC

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1 Bases, which EPA took the lead in putting
2 together; and an information paper by GSA on
3 their self-certification program.

4 There continue to be ten updated as-needed
5 action items -- essentially, follow-on
6 information -- additional information -- for
7 this meeting. I believe there's two that have
8 been prepared; one is by EPA on BRAC Indicators
9 of Progress and the second is a joint DoD/EPA
10 paper providing an update on our lead-based
11 paint activities.

12 Okay?

13 MS. PERRI: Fine.

14 MR. CHOUDHURY: That was provided for
15 information.

16 The third item -- business on -- under
17 business items is the implementation of DERTF
18 recommendations. This was a draft product that

19 was provided to staff at the last DERTF
20 meeting. It was discussed in our meeting in
21 Skokie, Illinois, where the DERTF accepted it
22 as a staff product. There are two main areas
23 that the DERTF discussed; one was removing --
24 elimination of some reference to voluntary
25 cleanup programs and in addition -- of a

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1 principle on measuring BRAC cleanup progress.
2 The final coordination draft that -- that you
3 have incorporates those two changes. I would
4 suggest adoption of this product for two main
5 purposes. One, as a stand-alone product, which
6 captures the essence and lessons learned
7 regarding BRAC cleanup -- some of the enduring
8 principles that the DERTF has seen over the
9 past four years -- DERTF's made 40 -- 50
10 recommendations -- somewhere in that
11 neighborhood -- essentially, those seven
12 principles distill those recommendations into
13 seven succinct principles -- and the other main
14 use I see for this product would be
15 incorporation as an appendix into the '99
16 Task Force report to Congress.

17 If there is going to be a lengthy
18 discussion by the Task Force on adoption or use

19 of this report -- this product -- I would
20 suggest deferring it until tomorrow when there
21 is time for open discussion.

22 MS. PERRI: Don?

23 MR. GRAY: Are you waiting for a
24 motion now or it's just -- I wanted to have a
25 discussion.

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1 MS. PERRI: You want to have a
2 discussion now? Sure.

3 MR. GRAY: Well, I -- I just simply
4 want to say: I -- I did submit some comments
5 and the principles were circulated several
6 months ago. Specifically, I had recommended
7 that two of the recommendations approved by the
8 Task Force at its last meeting be added to the
9 principles -- and I don't have in front of me
10 what the current draft is and --

11 MS. PERRI: Shah, do you remember
12 what they specifically were?

13 MR. GRAY: -- what the status is, but
14 I would like to know, you know, what we intend
15 to do about that before we decide what to do
16 about the principles altogether.

17 MS. PERRI: Okay. Okay. And, Paul,
18 did you have a comment?

19 MR. REIMER: Yes, if I may.

20 MS. PERRI: Sure.

21 MR. REIMER: Shah, I -- you're
22 referring to a document that I think has some
23 long-term value and maybe even more valuable as
24 the proposal has come forth from the
25 administration to go to two more rounds of

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1 closure. My only thought process here is that
2 if the DERTF can provide a little bit of
3 value -- added value -- in the work already
4 done by possibly looking at the structure of
5 that -- of what we prepared to date in response
6 to a question of, "What should be done in
7 respect to the future of BRAC rounds," I think
8 the context might have some continuing value
9 even beyond the -- the sunset of the current
10 BRAC process.

11 MS. PERRI: Okay. So, would you
12 recommend that we all look at that again and
13 then defer judgment on it at -- to a later
14 time?

15 MR. REIMER: No. It's not a
16 deferment of judgment.

17 MS. PERRI: Okay.

18 MR. REIMER: It's a matter of how --
19 because I think the -- the context is valuable.

20 MS. PERRI: Okay.

21 MR. REIMER: It's only a matter of
22 how we phrase it in respect to the current
23 administrative program for the two more rounds.

24 MS. PERRI: Okay. Thomas?

25 MR. EDWARDS: Madam Chair, I also

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1 have some comments on the final coordination
2 draft -- and, in general, I think it's a good
3 product and most of it, I think, the -- the
4 states could endorse. There are a few items
5 that may be hot buttons that -- for the states
6 and not for anybody else. I can go into a
7 little bit of detail if you like or I can
8 provide comments in writing -- whatever the
9 right procedure is.

10 MS. PERRI: It's really up to the
11 Task Force members. If you want to discuss
12 this now, we can. If you would rather provide
13 some additional written comments and have us
14 think about it and act on it a bit later,
15 that's fine, too. What would you-all like to
16 do? Jim?

17 MR. WOOLFORD: I'd actually like to
18 see -- Don talked about adding two additional
19 principles. I'd like to see those added to the
20 document and then have it circulated once more

21 for full comment, say, over a two-week time
22 frame or something quickly -- because I think
23 the document was -- was pretty good and real
24 close to final -- and that way that would give
25 Thomas and attorney generals the chance to get

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1 their comments in.

2 MS. PERRI: Okay.

3 MR. EDWARDS: Perhaps I could just
4 say in general terms -- I -- I looked at this
5 and did not see -- maybe I just missed it --
6 anything concerning a consideration of all
7 costs -- in other words, looking at life cycle
8 costs -- and since funding is so crucial to --
9 and -- and particularly the sequencing of
10 funding and the procedures for funding are
11 crucial to the cleanups, it seems to me that --
12 that principle ought to be in there because
13 it's discussed throughout minutes and annual
14 reports and everything else of the DERTF, but
15 does not seem to be in here.

16 Another thing that I think is probably --

17 MR. CHOUDHURY: If I can respond to
18 that? I believe Principle No. 3, which says --
19 I quote -- "Adequate funding is required to
20 ensure the successful completion of

21 environmental cleanup at BRAC installations" --

22 MR. EDWARDS: But that does not
23 address life cycle costs, which is --

24 MR. GRAY: If I may, one of the
25 recommendations approved by DERTF -- last DERTF

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1 meeting had to do with the life cycle costs and
2 the cost of monitoring and -- and so on beyond
3 the -- the cleanup of the -- you know, the
4 closure or the original cleanup -- and that was
5 the reason that I suggested that that be added
6 as an additional principle. It was my
7 understanding from my conversation with
8 Mr. Choudhury that the concern was not so much
9 what it says -- because the DERTF has already
10 approved it -- but that the other members of
11 the Task Force had not been consulted about
12 including that in the principles.

13 MS. PERRI: Okay.

14 MR. GRAY: So, I hope everybody will
15 take a -- an opportunity to look at those two
16 recommendations we made at the last -- approved
17 at the last meeting and see if they agree with
18 the conclusions as in the principles and if it
19 answers your concerns.

20 MR. EDWARDS: Yes -- Yes.

21 MS. PERRI: Okay.

22 MR. EDWARDS: And the other general
23 area that I can address in written comments has
24 to do with the role of the states -- the state
25 regulatory agencies in base cleanups -- and I

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1 can make some specific comments about that in
2 writing.

3 MS. PERRI: Okay. Paul?

4 MR. REIMER: Can we make a move,
5 then, to follow Jim's recommendation?

6 MS. PERRI: If somebody would like
7 to.

8 MR. REIMER: I would make that motion
9 to circulate it for --

10 MR. WOOLFORD: Second.

11 MS. PERRI: Motion seconded.
12 Everyone agree?

13 MR. POLLY: Second.

14 MR. CHOUDHURY: Could that motion be
15 restated? Because I'm not sure I captured it.

16 MS. PERRI: The motion, Shah, is to
17 take another two weeks to look at the document
18 to incorporate Don's comments and Thomas'
19 comments and Jim's comments and to have
20 everyone look at it one more time before we
21 vote on it.

22 MR. WOOLFORD: Actually, I -- I said
23 we need to first incorporate the two principles
24 that Don talked about, then circulate it for
25 two weeks.

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1 MS. PERRI: Okay. A vote?

2 (Vote by the DERTF members.)

3 MS. PERRI: Unanimous.

4 Next item?

5 MS. CHOUDHURY: That concludes
6 business items.

7 The next item on the agenda is a
8 presentation entitled, "Bay Area BRAC
9 Overview - DoD Perspective," by Mr. Mark Braly
10 of the Office of Economic Adjustment. Is --
11 Mr. Braly, if you could step up to the
12 podium --

13 MR. PHILLIPPE: I think I saw him
14 earlier.

15 MS. PERRI: Phyllis went to get him.

16 MR. BRALY: My name is Mark Braly and
17 I am a project manager for the Office of
18 Economic Adjustment, in the Department of
19 Defense Office of the Secretary.

20 OEA -- OEA serves -- to give you an idea
21 of what our role is -- we have really -- what
22 all this boils down to is kind of two major

23 roles. One is to fund the effort of the local
24 governments -- we call them the Local Reuse
25 Authorities -- to organize and to pursue and

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1 plan for reuse of the bases that are being
2 closed -- and the other role that we have is to
3 be -- you could say an advocate, but probably a
4 broker or an intermediary would be a better
5 kind of description of what we do. It is a
6 complex process. We try to help the local
7 governments get through it. We try to help the
8 various elements -- the Services, people who
9 are involved in BRAC -- to understand what the
10 problems of the community are and how
11 responding to them will get us both toward our
12 goals, which in the end are common. We want to
13 transfer the bases to the local governments and
14 others who will be the recipients in order to
15 avoid -- to cut out -- unnecessary overhead,
16 infrastructure -- so that we can fund some
17 higher priority elements of the nation's
18 defense program. In that role of advocate and
19 broker, we are assisted by the base transition
20 coordinators who are assigned to each of the
21 bases. I have a number of bases -- and I have
22 several here in the Bay Area -- but we -- the

23 Base Transition Coordinators are assigned to
24 each of the bases -- and that was a policy -- a
25 program of the current administration -- and we

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1 are both associated and work together under the
2 BCCR, Base Conversion and Community
3 Reinvestment office of -- of the Office of the
4 Secretary.

5 It might be -- for this group -- useful
6 to illustrate that brokering role that we
7 sometimes do play, more or less,
8 successfully -- and this one, I don't -- does
9 concern the -- the reason that we're here
10 today, because we get from time to time -- and
11 this has happened with increasing frequency --
12 a request from our -- the communities that we
13 work with -- for environmental expertise on
14 their staff who can work with the Base Cleanup
15 Team and work with the RAB -- and the reason
16 for that is that they represent an element that
17 is different in some respects. Reuse of the
18 base -- economic development on the base
19 often -- not always. Many of the bases are
20 devoted to environmental uses -- particularly,
21 a wildlife refuge would be an example of
22 that -- but economic development for many of
23 these communities, replacement of the jobs that

24 were lost, is a key element of what -- of their
25 program to recover and compensate themselves

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1 for the loss of the defense presence.

2 So, we're -- we're asked for -- and their
3 feeling is, of course, anybody can participate
4 in the Base Cleanup Team. They're encouraged
5 to send representatives. Their feeling is, "We
6 don't have the environmental expertise to
7 effectively participate in those groups." And,
8 moreover -- So, one of the things that's come
9 up lately is, "Would you fund that kind of
10 expertise?" And the other thing that has come
11 up is, "Would you help us understand better the
12 implications of what we call institutional
13 controls?" That is when a method of
14 remediation is chosen that involves or is
15 closely related to the kind of use that will be
16 allowed on a particular part of the base or the
17 supervision that that will get, it implies --
18 it has implications for our reuse plan, it has
19 implications for the local government, if they
20 are the ones who are going to be enforcing
21 these institutional controls. So, with that in
22 mind, we are studying at the request of --
23 particularly for the East Bay Area -- a

24 proposal to fund a project that would look into
25 those controls. What do they cost? Whose

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1 responsibility are they? Where do they fit in
2 the cleanup picture?

3 This has a lot of data on it -- and let's
4 see if I can get it fully on the screen there.
5 This will give you -- This will give you an
6 idea of -- overall, what -- financially what
7 the defense conversion funding has meant for
8 the Bay Area -- and let me say, also, in this
9 column, you see the number of bases -- there
10 are about a dozen in the four rounds of BRAC --
11 that have been mainly closed, but a few
12 realigned drastically -- and that's out of
13 29 bases in the State of California. So,
14 arguably, the State of California is the
15 hardest hit state in terms of BRAC and defense
16 closure. And, arguably, the Bay Area is one of
17 the hardest hit urban areas -- maybe the
18 hardest hit. And OEA has -- or the Department
19 of Defense has tried to help with this kind of
20 funding to the Local Reuse Authorities for
21 their staffing, their reuse organization --
22 their LRA -- and planning for the reuse of the
23 bases. Now, you can see that in the
24 East Bay -- this is the East Bay Conversion and

25 Redevelopment Commission, which is a regional

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1 approach to reuse in the Alameda, NAS --
2 and -- and -- Depot -- and Oakland Military
3 Complex, which has two components; Oakland Army
4 Base -- actually, three -- Oakland Fisk and
5 Oak Knoll Naval Hospital -- have been major
6 recipients of the funding which comes to over
7 \$21 million to date.

8 We don't normally get into implementation
9 of the economic development elements of a plan,
10 but there is a defense conversion fund that is
11 administered by the Economic Development
12 Administration, EDA, in the Department of
13 Commerce. Their major funding -- as you can
14 see, also, Alameda and Mare Island -- two of
15 the biggest closures in the East Bay. So far,
16 it's less than half of what we have been able
17 to contribute to the reuse efforts of the
18 communities, but with more to come -- because
19 many of the communities are just now at the
20 stage of actually implementing their reuse
21 plans.

22 I think that, probably, my funding
23 information for the Department of Labor is not
24 complete -- \$8 million to Mare Island. I think

25 there has been more. But that concerns,

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1 of course, retraining and assistance to the
2 workers who are displaced by the base
3 closures.

4 And, finally, the State of California has
5 had a matching grant program to assist the
6 local governments with their local management
7 to generally 25 percent of the federal
8 grants -- and the grand total comes to about
9 43 million that we'll put into reuse efforts.
10 You can see that it is dwarfed by the DoD
11 expenditure that is being required for cleanup
12 of the bases. Don't hold me too strictly to
13 these numbers. They do come from the Defense
14 Environmental Response Program reports, but
15 some of the numbers may be obsolete. For
16 the -- For the Bay Area, it looks like the
17 estimate has been -- 1.1 billion will be
18 needed -- and what has been spent so far --
19 413 million -- will give you an idea of where
20 we are. We're dealing with 15 -- over 15,000
21 acres. Most of the bases are already closed.
22 A few of them -- A couple of them, really,
23 remain to be closed. Oakland Army Base will be
24 closing October, '99, and Onizuka Air Station
25 in 2001. Incidentally, this was -- in trying

1 to enter this date here, I discovered -- I
2 encountered the Y2K bug for the first time. I
3 mention that because you'll probably want to
4 check your spreadsheets. So, that was a little
5 scary.

6 Let me go -- Let's see. I'm missing a
7 slide here. I hope I got up here with all my
8 slides. Let me go back to my spot there and
9 see if I can locate that slide. Indeed. Here
10 it is.

11 This, again, is a very busy chart -- but I
12 think it will give you an idea of the
13 magnitude -- economically, at least -- as the
14 other slide gave you an idea of the magnitude
15 of the cleanup effort that is required -- the
16 magnitude of the economic impact on the
17 Bay Area. In all four BRAC rounds, there have
18 been base closures in the Bay Area. Some of
19 them have been in progress for quite some
20 time. With the total impact of the
21 civilians -- jobs lost -- was almost 21,000.

22 Where are we in terms of replacing those
23 jobs? Only -- at this point about 6,400 jobs
24 have been replaced of those lost. But as I
25 say -- as I say, the reuse efforts are just now

1 getting into swing. Some of the bases that are
2 doing particularly well perhaps -- and
3 certainly one of them would be Moffett and --
4 but that, of course, is because NASA took over
5 that base -- but the local efforts -- the local
6 communities that are showing tremendous impact
7 with their -- with their reuse efforts -- and
8 particularly in terms of getting people to come
9 in and use the facilities, the buildings and
10 the equipment that -- that was there and -- and
11 is left by the Service -- in ways that we never
12 thought would be possible are Alameda --
13 Mare Island.

14 Alameda lost a total of 4,700 jobs and is
15 up to 1,000 now. Much of that base will not be
16 devoted to economic development and most of the
17 economic development is still to come. About a
18 third of the base will be a wildlife refuge --
19 and I think you'll find -- you'll find a
20 characteristic throughout the reuse plans --
21 which I tried to summarize just very briefly in
22 this column here -- that they're a great
23 mixture of conversion activities and economic
24 development. But Alameda for one was able to
25 make use of the many facilities and the

1 equipment they had to bring a number of tenants
2 onto the base at a very early stage -- and they
3 have, for example, become a center for film
4 production. They have two incubators, which
5 are focusing on high technology, that are in
6 full operation there.

7 Mare Island is somewhat behind, but almost
8 all of these -- behind that -- but has -- but
9 has made great effort -- but almost all of
10 these reuse programs do focus on job creation
11 and housing -- and, of course, by law, all of
12 them have to have a homeless assistance
13 element. Oakland Army Base -- which is one of
14 my bases -- particularly has an extensive -- in
15 fact, all of the East Bay bases have an
16 extensive homeless assistance program which
17 uses facilities on the base and resources made
18 available to them by their entitlement for a
19 continuum of services to the homeless that
20 stress job training.

21 That, I hope, gives you an idea of OEA's
22 role and our -- and overview of the impact of
23 the BRAC base closures on the Bay Area and the
24 response that the local communities working
25 with DoD and the Services have been able to --

1 to launch. It's -- We're at an early stage,
2 but we're far enough along that it looks like
3 this will not be the disaster that most of the
4 communities thought it would be and these
5 bases -- these -- this acreage -- this 15 --
6 over 15,000 -- will be returned to the
7 community, we hope, with -- with dividends
8 and -- in the early part of the next century.

9 MS. PERRI: Thanks.

10 MR. BRALY: Are there any questions?

11 MS. PERRI: The Defense Task Force
12 will address you at the podium. That would be
13 helpful to us.

14 Don, do you have any questions for
15 Mr. Braly?

16 MR. GRAY: No questions.

17 MS. PERRI: Jim?

18 MR. WOOLFORD: Yes, I do. Thank you,
19 Madam Chair.

20 The question I have is actually on the
21 chart that's up on the -- the -- the BRAC
22 overview that talks about civilian jobs lost --
23 and it's just a point of clarification for
24 me -- 20,500-plus jobs. Was that the jobs that
25 were lost when the bases were closed?

1 For example, were there -- when the Presidio
2 closed, were there 31,500 civilian jobs or --

3 MR. BRALY: No.

4 MR. WOOLFORD: -- is that their
5 maximum number of jobs they had?

6 MR. BRALY: That was the number of
7 jobs at the time BRAC designated the base for
8 closure. All of the bases began downsizing --

9 MR. WOOLFORD: Right.

10 MR. BRALY: -- if they had not
11 already been.

12 MR. CHOUDHURY: I have an
13 administrative remark here: For the
14 convenience of both the stenographer and for
15 people in the audience, if I can request the
16 use of microphones in asking questions or
17 responding to questions. Thank you.

18 MS. PERRI: Don, go ahead.

19 MR. GRAY: I'm sorry. I -- I did
20 have a question that I -- I notice -- you gave
21 a reference, 21,000 jobs lost and only 6,400
22 have been replaced. I assume you're talking
23 about permanent replacements, but has there
24 been any increase in employment as a result of
25 the ongoing cleanup activities to offset those

1 job losses?

2 MR. BRALY: I -- this is -- these are
3 jobs created on the base. I think that we
4 would not have counted on those jobs -- cleanup
5 crews and contractors -- that -- those -- those
6 would be considered off the base -- although --
7 of course, under the contract, they'd be
8 working on the base. So, the answer would be,
9 no, they don't include that.

10 MR. GRAY: But they would still make
11 some significant contribution --

12 MR. BRALY: They -- They would have
13 an impact. These are jobs on the base that
14 wouldn't include the -- the reverberation in
15 other parts of the economy or that -- or that
16 particular thing would be cleanup activity
17 that's generally --

18 MR. GRAY: Thank you.

19 MS. PERRI: Okay. Thomas?

20 MR. EDWARDS: Yes. I have a question
21 about your comments about the implications of
22 institutional controls. I think you said that
23 there was a proposal to a fund project -- a
24 study -- of institutional controls in the
25 East Bay area. I'd be interested in following

1 up on that -- getting any details of the study
2 that's going to be done and the results of that
3 study -- and I think tomorrow Brian Hembacher
4 from the California Attorney General's Office
5 is going to be here discussing that topic --
6 and I don't -- I don't know if I can speak for
7 him -- but I suspect he would be interested in
8 those results, as well.

9 MR. BRALY: Yeah. I'd be happy to do
10 that. We do convene a group of stakeholders --
11 and similar to the stakeholders who would be on
12 the Base Cleanup Team -- Stan Phillippe from
13 the State of California is wanting to discuss
14 the scope of work and we will be circulating
15 that -- and -- and, of course, the results of
16 the study, as well. So, yes, we'd be happy to
17 do that.

18 MR. EDWARDS: Thank you.

19 MS. PERRI: Okay. Paul? Anything?

20 MR. REIMER: Yes. Mark, your
21 presentation made it very clear that the
22 cleanup -- expenditure and cleanup funds is not
23 all out for a long -- here in the Bay Area --
24 obviously, the difference between the billion
25 and one and the 400,000 that was on your

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1 chart -- and at the same time, the OEA funding
2 that has been committed to the bases,
3 generally, has a life expectancy of --
4 what -- three to four years?

5 MR. BRALY: That's right. We do
6 phase out that funding.

7 MR. REIMER: And if you look at the
8 BRAC categories, eight of the twelve bases
9 are -- are pre -- BRAC III or earlier. So, are
10 we at a situation where the OEA support for the
11 LRAs at the various bases is on a down cycle --
12 and very markedly down -- at the same time,
13 the ability to have transferred major amounts
14 of land is, essentially, held up by the absence
15 of the funding of the -- of the cleanup
16 process. So, I guess if I were to see an idea
17 here -- or express an idea in respect to what
18 you've shown us -- is it -- you probably have
19 OEA funding running out, you still have a long
20 way to go in terms of government programming
21 and cleanup -- and I wonder if you have any way
22 to tell us whether OEA has any program to begin
23 to bridge that gap.

24 MR. BRALY: Well, the answer to your
25 question is, yes, we are phasing out -- I don't

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1 know that I would agree that the
2 expenditures -- I wouldn't agree or disagree
3 that the expenditures are very low relative to
4 what the total expenditures would be in terms
5 of where we are. It may be that it -- in terms
6 of the planning and investigation that had to
7 occur, that we're -- we're fairly well into
8 it. But it is certainly true that OEA funding
9 is phasing out long before the bases will be
10 clean and transferred by deed.

11 However, as you probably know, there is an
12 early transfer possibility for the bases to --
13 to local governments that is getting increasing
14 attention and has, in fact, been used by two or
15 three other bases in California. I think it
16 will be used more. We are studying the
17 possibility of extending -- in some
18 situations -- OEA funding. We're sort of
19 doing a -- a look at all of OEA activities and
20 policies in this -- or near the end of the
21 first rounds of BRAC -- where -- before the
22 next rounds of BRAC, if they're approved by
23 Congress. So, we are looking at the
24 possibility of individual circumstances and how
25 they may affect our decision about funding for

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1 that local reuse authority.

2 But, also, the other -- the thing that we
3 have found was that the most aggressive and
4 creative bases have been able to generate
5 revenue by interim uses of the facilities on
6 the base. I was recently involved in -- in --
7 working on a video for -- about reuse on
8 closing bases throughout the country -- and I
9 was really amazed with some of the bases --
10 Alameda would be one of them -- Mare Island
11 would be one of them -- to -- the things
12 they've been able to get going and generate
13 revenues for themselves -- even rural areas,
14 like Castle Air Force Base near Merced -- that
15 can support their operations. So, we take that
16 into account, too. So, I -- I hope that's an
17 adequate answer to your question.

18 MR. REIMER: Well, if I may, then,
19 would you advise this Task Force -- can we be
20 of any assistance in your review of that -- by
21 making an imposition that would provide a -- or
22 suggest linkage between the amount of land
23 available for transfer and the relative
24 availability of -- continuation of OEA funds?

25 MR. BRALY: We would be glad to have

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1 your input on that. The variables that we
2 should take into account are the things that
3 we're looking at right now. All the bases are
4 different in size, in their -- their location,
5 their economic prospects. So, we would, yes,
6 like very much to have that and encourage you.

7 MR. REIMER: Thank you.

8 MS. PERRI: Steve, do you have any
9 questions?

10 MR. POLLY: One quick one, Mark,
11 I -- if we could -- this is one thing I
12 couldn't find on the Internet -- could we get
13 copies of your presentation?

14 MR. BRALY: You bet. I didn't make
15 copies, but I'll leave copies.

16 MS. PERRI: We'll -- We'll put it
17 out --

18 MR. POLLY: Great. That's all I
19 ask. Thank you.

20 MS. PERRI: I -- I do have a question
21 now that we've talked about this. What is OEA
22 doing -- not just for the Bay Area -- but for
23 other areas to really help them attract
24 development? They include -- you know, one
25 part of the process that doesn't have to impede

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1 development and/or transfer. How aggressive is

2 your office in this area?

3 MR. BRALY: Well, we've done some
4 things in that area and maybe one of the things
5 we should look at is doing more. But,
6 for example, we do fund marketing strategies as
7 an element of the reuse plan. We don't fund
8 actual marketing. EDA will do that in some
9 circumstances, but we do fund a marketing
10 strategy. We did, also, fund -- for the
11 State of California a -- an association -- the
12 state plus all of the communities that have had
13 bases closing -- that was a marketing
14 association and that had an element of
15 marketing overseas and within the
16 United States -- used the Internet, had an
17 advertising campaign -- I think it was called
18 the Great California Land Rush -- something --
19 Land Grab -- something like that -- and -- and
20 it's been effective and it's helped.

21 MS. PERRI: Okay. Because I think
22 what you're pointing to is sort of what I was
23 alluding to in my earlier statement, which is
24 that -- I think it's time for DoD to look at
25 working with the other federal agencies that

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1 have not traditionally been part of this

2 Task Force or this conversation -- which is,
3 "What can the Department of Transportation do
4 to help expedite things? What can EDA do and
5 how can we tap in, maybe, to some other federal
6 resources that would help expedite the transfer
7 of land?"

8 MR. BRALY: You know, this process
9 is -- is still rather new, but we've been at it
10 long enough to know that there is some
11 discontinuities between OEA funding and EDA
12 funding. EDA funding is not adequate. These
13 are resources that are -- are valuable. They
14 will yield revenues at some point and perhaps
15 we should be talking about a loan fund -- some
16 of the cities have proposed that -- that they
17 could draw on and then pay back as the revenues
18 come back in, so that the timing here -- the
19 cleanup, the market circumstances, the
20 availability of funding -- it could fit
21 together better than they do.

22 MS. PERRI: Okay. Thank you very
23 much.

24 MR. WOOLFORD: Karla, I had a
25 follow-up question that occurred to me -- and

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1 that is, you talked about institutional
2 controls as one environmental issue --

3 environmental cleanup issue -- and how that
4 impacts the reuse options -- and, then, you
5 mentioned that a lot -- some bases are using
6 some interim uses and they're generating
7 revenue. Have you seen any -- or -- or -- what
8 do you see as the interplay between the
9 environmental issues and the economic
10 development issues? Because that is, I think,
11 what is of most concern to us on the
12 Task Force.

13 MR. BRALY: Well, I think --
14 yeah -- you know, any of the -- the local
15 reuse authorities would be better able to
16 comment on this than I am -- because they're
17 really facing it, but I know that Alameda came
18 to us at one point saying -- you know, "They're
19 talking about dealing with the toxic sludge at
20 the bottom of the seaplane laguna" -- which is
21 on their base -- "or, basically, leaving it
22 intact." They have rules that you can't drop
23 anchor there, you can't enter with a boat above
24 a certain size -- and, basically, it was a
25 kayak, I think -- and -- so, I don't know the

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1 status of that -- but they were concerned about
2 it at the time. Well, the reuse plan called

3 for high-end condominium development and that
4 that would be a yacht marina -- a marina. So,
5 there, I think, was one of the better examples
6 of -- you know, that institutional control that
7 was being considered wasn't compatible with
8 what the community had in mind and it happens
9 in many instances. If it's an industrial use,
10 it's one level of cleanup. But maybe the
11 community reuse plan and analysis of the market
12 suggested another use there. So, it's -- there
13 are many people here better qualified to
14 comment on -- on the real issues there than I
15 am, but it's -- it's -- the communities are
16 feeling -- that was the point I made -- at
17 least that part of the community that's
18 concerned with economic development -- that --
19 that they're not really at the table when the
20 decisions are made about the remediation
21 efforts.

22 MR. WOOLFORD: Is the -- Well, is
23 that not development driving -- or reuse
24 driving the -- the cleanups in what's being
25 required for cleanups -- or -- or is it the

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1 environmental conditions that are really
2 driving the economic development and reuse?
3 Which is the tail here wagging the dog?

4 MR. BRALY: I think -- yeah -- my
5 impression is that it's a bit of both -- that
6 some of the -- the -- and when the
7 environmental impact statement is done, it is
8 based on -- at least a conceptual reuse plan --
9 what the land uses will be and that -- that
10 is -- as I understand it, is also taken into
11 account when the remediation plan is made.

12 On the other side of it, the
13 communities -- in terms of reuse -- they look
14 at what the current uses are and I -- you know,
15 there are conflicts and -- you know, they can
16 be resolved either by the Department of Defense
17 spending a lot of money -- or institutional
18 controls, which may cost a little -- or even
19 effect the reuse plans.

20 MS. PERRI: Okay. Thank you very
21 much -- Oh, you --

22 MR. POLLY: One thing I want to add,
23 too -- I think you've got a great idea as far
24 as looking at some of the other agencies that
25 can have an impact in helping DoD and the rest

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1 of us move this property quicker -- and what I
2 want to recommend as a model is -- Tim Fields
3 and Linda Brezynski (phonetic) have done an

4 excellent job getting together a number of the
5 agencies at the assistant secretary level to
6 look at -- not only Brownfields -- but now
7 they're starting to look at Superfund. So, I
8 would recommend that if you could -- your
9 staff -- have a discussion with the two of them
10 to kind of get an idea on what they've done
11 over the last year -- and I think that may be a
12 means to get EPA and labor and some of the
13 others at the table.

14 MS. PERRI: Right. We're -- We're
15 part of that discussion already -- and -- and
16 I think what we'll hear tomorrow from
17 Denise Chamberlain is -- is the reason -- or
18 one of the things they're looking at -- as I
19 said, in our Pennsylvania cleanups -- is that
20 team effort and how we work with the state and
21 with federal agencies.

22 MR. BRALY: I think there's a lot to
23 be done there and I -- but I'm encouraged that
24 people are aware of the issue.

25 MS. PERRI: Okay. Thank you so much.

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1 MR. BRALY: Thank you.

2 MR. CHOUDHURY: Thank you. Before we
3 turn to the next presentation, a few
4 administrative remarks. One, it would really

5 help everyone if questions were -- and -- and
6 discussion -- mikes were used for questions and
7 discussion is what I'm trying to spit out --
8 and that only one person speak at a time.

9 Just so that people are aware, the
10 presentations and papers that we received as of
11 last week were all posted on the web and that
12 is where they're available for reference.
13 We'll have this web address posted in the next
14 room, but that address is
15 www.dtic.mil/envirodod/brac/dertf.html.

16 MS. PERRI: And following is a handy
17 card.

18 MR. CHOUDHURY: And I'm not going to
19 repeat that because it will be written in the
20 next room.

21 The presentations that we had not
22 received -- what we'd ask the presenters to do
23 is bring copies for the Task Force members and
24 for handouts. So, we are depending on the
25 goodness of those speakers -- and as extra

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1 copies of handouts are available -- as
2 presenters come up and provide those to me --
3 those extra copies will be put on the handout
4 table to my left -- against the left wall over

5 there. We do not have the capability to make
6 copies on site. After the DERTF meeting as
7 presentations are made available, they will be
8 posted on the site at that address that I
9 provided earlier.

10 The next presentation is an environmental
11 perspective on the Bay Area and is given by
12 Mr. Dan Opalski of EPA's Region 9.

13 MR. OPALSKI: While we're getting set
14 up here -- just kind of make a comment -- I --
15 Bay Area perspective -- as my Navy counterparts
16 know all too well, we actually are fairly --
17 majorly affected on at least four major bases
18 just right here within Region 9 on the west
19 coast -- but I'll stick to the -- the local
20 ones.

21 First, I'd like to talk a little bit --
22 for people who aren't familiar or involved with
23 Region 9 -- just very quickly -- I am
24 Chief of the Federal Facilities Cleanup Branch
25 in EPA Region 9, which is within our Superfund

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1 division. I have a staff of about 50 folks
2 whose mission is to oversee and to help
3 facilitate and expedite the cleanup of about
4 50 facilities here in the region -- that
5 includes a long list of BRAC sites. This slide

6 is not busy just because of the size of the
7 fund.

8 We have -- depending on how you count
9 them -- either 31 or 35 BRAC bases. Some of
10 the -- Some of the facilities are in multiple
11 locations -- or installations at multiple
12 physical locations. For instance, the -- the
13 one at Lompoc obviously -- actually has three
14 different facilities that make it up -- from
15 East Fort Baker, which is right on the north
16 side of the Golden Gate here to Rio Vista,
17 which is on the Sacramento Delta all the way
18 down to the Lompoc facility itself, which is
19 down near Santa Barbara. So, that's why the
20 count is a little bit different depending on
21 how you look at it. It includes 12 NPL bases.
22 Just for your reference, we have an additional
23 18 federal facilities in the region that are on
24 the National Priorities List, but are either
25 open military installations, DoD facilities or

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1 NASA facilities.

2 So, let me talk a little bit, then -- more
3 focusing here -- on the Bay Area. If you look
4 at kind of the middle segment on this
5 overhead -- starting with the word "Hamilton"

6 and going down to where it says "Fort Ord Army
7 Base" -- those are the facilities that I am
8 going to be focusing on for the most part --
9 and the rest of my remarks -- but just by
10 looking at the -- the figure, what you can see
11 there is we have a -- you know, roughly a third
12 of the facilities in a pretty small radius here
13 around the Bay Area that's been affected by the
14 base closure process. I think my count was
15 14 different physical locations and that
16 includes three National Priorities List sites.

17 So, how are we doing? Well, I think the
18 metric that most of us use at some point along
19 the line is where we're -- how we're doing on
20 transfer -- and let me just give a -- sort of a
21 qualifier -- sort of a caveat -- I don't
22 necessarily mean this -- this overhead to be
23 comprehensive. In fact, one of the issues that
24 I have with the processes that we actually -- I
25 don't think collectively have gotten real good

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1 at our data transferring -- information
2 sharing -- so that we can all actually be
3 off -- all talking off the same sheet with
4 respect to the status of the facilities --
5 where they are, what's coming up and so forth.

6 However, I did want to illustrate that

7 there's been a lot of good work that's already
8 been going on with respect to transfer -- a lot
9 of stuff that we see imminent -- as you can see
10 on the bottom half of the overhead -- and I
11 also want to point out that this doesn't even
12 take into account a lot of the other reuse
13 activities that may be ongoing through leases
14 and -- and so forth. The fed-to-fed portion is
15 a -- is a big chunk of -- of transfer in this
16 region -- and this doesn't include a big
17 fed-to-fed transfer that also happened down at
18 Fort Ord. So, that's the -- the transfer
19 side -- and I think it's a -- it's a good story
20 overall -- which is not to say we don't have
21 our rough points.

22 But if you look at the next overhead --
23 what I -- what I want to, also, point out at
24 the same time is -- and, again, this
25 representative -- not meant to be

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1 comprehensive -- but if we look at a number of
2 the Navy BRAC bases here in the -- the
3 region -- and this includes -- and in the
4 Bay Area -- this includes both NPL and non-NPL
5 sites -- we're still all over the place in
6 terms of where we are in the actual cleanup

7 process. So, even though there's a lot of good
8 reuse going on and there's a lot of transfer
9 that has happened -- on some of those parcels,
10 there may be a reuse that can go on while the
11 IRFS continues or whatever -- but there's still
12 a fair amount of work to do to get us through
13 to the end of the process. There are a lot of
14 reasons for that -- and I think a lot of people
15 have theories -- so, I'm going to present one
16 of those today from my perspective on -- a
17 couple of the reasons that I think are driving
18 that.

19 You can go to the next overhead. So, what
20 I'm going to talk about here is what I have
21 coined as, "The Plight of the BRAC Cleanup
22 Team." My -- My suggestion here is -- is,
23 really, that we had to start from -- from what
24 we all, I think, readily acknowledge -- the
25 base -- the BRAC cleanup teams have a really

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1 tough job. I think we all understand there's a
2 lot of stakeholders involved. You're
3 overlaying years and years and years of use of
4 property that can lead to all different kinds
5 of contaminant mixes that make it just a lot
6 more difficult to deal with than a
7 straightforward site that might have just one

8 contaminant or contaminant type.

9 I think -- I'm ready to acknowledge that
10 all members of the teams -- at least in general
11 on the sites -- are also hard at putting forth
12 a very high level of effort. Everybody is
13 trying really hard, at least, to do something.
14 Everybody is working hard. But that also means
15 there's not much room for them to take on much
16 else or to readily accept change necessarily --
17 yet, at the same time -- as this is where I'm
18 going to go with much of the rest of my
19 remarks -- I think we've been asking the
20 cleanup teams to bear some additional unfair
21 burdens that go beyond those things that I -- I
22 think we can reasonably expect them to take
23 on.

24 So, the three things that I'm going to --
25 I'm going to focus on in the next -- the next

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1 overhead are -- are those areas that I think
2 are really unfair burdens placed upon the BRAC
3 cleanup teams -- and I put them in the
4 categories of accountability for reuse
5 decisions, the need to meet what seem to be
6 increasingly arbitrary time lines and budget
7 ceilings and, then, fallout from DSMOA or -- or

8 machinations over the last couple of years.

9 Next overhead, please. So, let me focus
10 on the reuse and planning process for a
11 minute. I think increasing timing is an issue
12 with respect to reuse. On the one hand, I
13 think everybody on the cleanup teams is on
14 board to look at reuse as one of the real
15 drivers for getting -- for having work move
16 ahead -- for prioritizing their time for
17 environmental reviews and so forth.
18 Unfortunately, what's -- I think is, also, then
19 happening is that there are -- we're still not
20 to the point often where we've got enough
21 information about the reuse. We don't have
22 kind of an optimal level of information so that
23 the cleanup teams can actually move forward
24 expeditiously with the environmental review
25 work. Somewhere along the line, we're asked to

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1 incorporate a set of assumptions that -- that
2 somebody doesn't feel comfortable with and it
3 turns into, essentially, a -- a -- not very
4 constructive conversation among the BCT
5 members. You know, ideas have been -- for
6 instance, about trying to dovetail the remedies
7 with a more concrete sort of reuse end point.
8 Well, if we're not there yet, then what is our

9 driver anymore? Why should we be pushing the
10 teams to come up with a decision or a
11 recommendation based upon a number of
12 hypotheses when if we -- if we were to wait a
13 little bit longer for the reuse process to play
14 itself out more to completion, maybe we'd have
15 the information that everybody could move
16 forward with more -- more readily?

17 The second point is that -- I think the
18 reuse planning process itself is something that
19 probably needs some attention. I don't have
20 specific recommendations along this line --
21 except -- except to speak from experience --
22 that I think that it's not -- it's not rare for
23 RABs and RAB members to look toward the BCT,
24 essentially, almost to be an appeal -- an
25 appeal board -- because their reuse process --

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1 which -- in which they felt they didn't have a
2 voice, they didn't get a chance to participate
3 in a meaningful way -- and felt like, you know,
4 the financial movers and shakers and the
5 development community in a particular locality
6 were really driving this thing and not really
7 meaningfully taking into account the local
8 community concerns in the given neighborhood or

9 in a given area. And, so, then, the BCTs are
10 asked to kind of take another look at these
11 things when, in fact, the decision's been made,
12 it's not theirs to take -- really, take another
13 look at -- unless they have environmental
14 conditions, I think, that -- that warrant
15 another look.

16 And, so, what it comes down to, I think --
17 and here I'm going to focus on the perspective
18 from the regulatory agency members -- is that
19 they don't -- the next thing that happens is --
20 and I've heard remarks to this effect -- where
21 someone has questioned, "Well, why is" -- "Why
22 are we now cleaning up this formerly industrial
23 area of this base to a residential level?"

24 MS. PERRI: "Why are you," or
25 "Why" --

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1 MR. OPALSKI: Why -- Why -- The
2 question's been, "Why are we? Why" -- "Why" --
3 "Why is it that now we're going to go and
4 clean this thing" -- and it was always -- for
5 three decades it's been nonresidential. It's
6 been an industrial setting and now the reuse is
7 residential. "Why are we cleaning that up?" I
8 think it's a valid question and it needs to be
9 explored during the reuse and planning process

10 and we need to look at it, but once that
11 determination is made, that should not be a
12 discussion that the cleanup team is having
13 anymore. In other words, they're being asked
14 to -- it seems in our discussions with my -- my
15 team members -- is they're kind of being what
16 I -- we're easier to blame for our reuse
17 determination -- our reuse decision -- which
18 isn't fair.

19 What they're trying to do is execute now.
20 They've been given the reuse -- We've all had
21 the paradigm set up for us as to the reuse
22 process. You identified the reasonably
23 expected future land uses -- that's what you go
24 with and that's what you design your -- design
25 your remedial options and come up with your

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1 recommendations and cleanup solutions based
2 upon.

3 If we need to go back and look at the
4 planning process -- that's not the role of the
5 cleanup team, per se, and we shouldn't be
6 expecting them to get -- to get bogged down in
7 it. In fact -- and that's what is happening.
8 They get bogged down in that because they're
9 asked to look at something that really is not

10 in their -- in their purview to take another
11 look at. Again, with the exception that there
12 truly are environmental conditions which say,
13 "Wait a minute. We've got to look at what" --
14 "if this is workable," then we -- I think we
15 have to dial that back into the process.

16 Next overhead, please. So, the next item
17 I want to talk about a little bit is time line
18 and budget ceilings. The first thing -- I want
19 to acknowledge that -- the -- the first point
20 there. Schedules and budgets are absolutely a
21 real driver in any program. We've got to
22 figure out how to use these tools effectively
23 to make the program work. We have a lot of
24 people who are looking for us to deliver in a
25 timely manner without breaking the bank. But

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1 what I'm talking about here is this -- this --
2 sort of getting out of skew -- where I think
3 we've got more coming in a top-down fashion --
4 giving arbitrary time lines, giving a budget
5 which -- a budget direction down here to --
6 say, for instance, here to the EFA in
7 San Bruno -- "You've got to cut \$50 million.
8 We don't care where you find it, but we know
9 it's there so go cut it." The result is --
10 I've got cleanup team members who have

11 bona fide issues that they -- that they
12 think -- that need to be addressed -- like we
13 need more data collection, maybe just a more
14 careful and thorough analysis of the existing
15 data -- but what happens is, instead, it's
16 looked at just as an impediment to meeting
17 these artificial time line and -- and budget
18 goals that have been established somewhere by
19 somebody who doesn't really know the day-to-day
20 workings at a site. So, as a result, the team,
21 again, gets wrapped around this issue of,
22 "Well, is there a way you can just make this
23 issue go away? Because my higher-ups are
24 telling me that I have to find money to save
25 somewhere," as opposed to saying, "Okay.

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1 What's the issue that we're trying to deal
2 with? What analyses have been done? Can we
3 get together and look at those things and
4 figure out if we really have an environmental
5 problem or not?" And as a result, we don't
6 have technical discussions about the
7 environmental issues. It becomes an issue
8 about a budget and that's not -- again, that's
9 not -- to me -- to my mind, where the cleanup
10 teams ought to be spending their time.

11 The last of the three points that I --
12 that I highlighted is everybody's favorite --
13 the DSMOA machinations. Now, I want to qualify
14 this again. This has not been an issue that we
15 have taken up here, certainly, in the region
16 and that has been by choice. Our perspective
17 was -- we had the State of California, which
18 has its own -- its own sovereignty within the
19 state and issues to -- to have addressed
20 related to that and we felt like -- you know,
21 they're -- they're adults, they can figure out
22 how to deal with DoD. On the other hand,
23 there's a point here where I felt like it
24 crossed the line where it's having an impact on
25 the -- on the progress that we're having and

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1 since DoD is investing resources also in EPA
2 and we're trying to get a job done with all of
3 you -- when we see that -- that running into
4 problems, then that's where I feel like I've
5 kind of got to wave my hands and say something
6 about the wag here. So, the -- the two things
7 I want to make sure -- if it's not crystal
8 clear to everybody already from other meetings
9 you've been in in whatever context -- is
10 whether it comes up in a meeting or not, all
11 the stuff that's been going on with the DSMOA

12 or -- about the last two years -- has been
13 casting a pall on relationships at the
14 site-specific level. Whether it's explicit or
15 it's under the table, it's an issue and it's a
16 problem. It draws the focus away from what
17 we're really trying to do -- both in those
18 meetings and in the fact that I know that we go
19 through numerous iterations on the state level
20 where the state RPM isn't available to have a
21 discussion with my team member -- because I
22 have to go back and rewrite their cooperative
23 agreement application one more time. That's
24 not what, I think, we're trying to get done on
25 the sites.

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1 The last point I want to say -- and it's
2 one that's not written up here -- and I hope
3 nobody takes this in the -- in the wrong way --
4 but I sat in on a lot of meetings as the new
5 cooperative -- not so new -- cooperative
6 agreement process was set up now -- a year,
7 year and a half ago -- and heard a lot of
8 commitments made about the way the process
9 would go. Just so that you know the kinds of
10 statements that were made in meetings -- and
11 they were meetings putting up with -- meetings

12 I was sitting in with Stan here -- where
13 representatives from each of the Services gave
14 the assurance that if you build up creditable
15 budgets, we will sign the check. There will
16 not be review at the secretarial level -- i.e.,
17 in the Services -- it's going to be built up
18 from the base level. If you guys reach
19 consensus, that's what we're going to agree
20 to. What I -- I haven't looked at the numbers
21 and I'm not taking kind of sides on who's --
22 who's right about it, who got enough money or
23 whatever -- what I'm focusing on here as
24 another member of the federal family -- and
25 that's how I like to take -- is it feels like

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1 we've done -- we've worked in bad faith with
2 the State of California as the federal
3 government and that troubles me -- and I think
4 that it's -- trickles down to the -- to the
5 teams as something, again, that casts a pall on
6 the relationships that are there.

7 Next. So, why is it important for me that
8 we try to take those big issues that I think
9 are unfair burdens on the teams and take them
10 off the top? Well, it's because we've got some
11 big cleanup issues left -- and what I think are
12 bona fide cleanup issues. This, certainly,

13 again is not a comprehensive -- meant to be a
14 comprehensive list, but I think it's a list of
15 some of the biggies that we've got outstanding
16 that are in the way of the transfers and
17 cleanups that are yet to happen here in
18 Region 9. Nothing -- I think particularly
19 numerous -- surprising to folks here --
20 institutional controls. They -- They're going
21 to cut across at, essentially, every base. I
22 think that, unfortunately, we're finding there
23 are instances that are -- it's a very rare
24 instance where we think we're going to actually
25 be able to clean up everything at a base to an

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1 unrestricted level. So we're going to have to
2 figure out how to handle that.

3 Another comment I have to make on
4 institutional controls, by the way -- and I
5 think this really is the one where we all
6 acknowledge that there are a number of folks
7 who have an interest and desire to be
8 participating in this -- and the thing that's
9 troubling from a regional perspective is that
10 somehow we haven't gotten together and
11 established and maintained a more collaborative
12 process so that we're all working on one

13 document, that we're all going to use and agree
14 to -- and, again, it's not meant as -- this is
15 not a -- kind of a trump card sort of -- of
16 threats or comment to make -- but I also think
17 there are questions raised when -- we're kind
18 of all getting out of sync with respect to
19 the -- the final -- the language in the -- I
20 think it's the final sentence of Section 128(2)
21 of CERCLA, which basically says that -- for
22 instance, DoD shouldn't really be writing
23 guidance that could be inconsistent with
24 anything that the administrator is going to
25 issue. So, while everybody knows that

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1 institutional controls is also still very
2 prominent on the radar screen for EPA, I think
3 it's premature for us to be having other things
4 getting out on the street that has people a
5 little bit out of sync -- and I think we're
6 going to stay out of sync until we all make
7 this a more collaborative process.

8 Unexploded ordnance doesn't come up at a
9 lot of sites out here, fortunately, in a big
10 way -- although where it does come up, as
11 people know, it's extremely expensive and it's
12 a problem from that perspective. It scares
13 people a lot -- I think that -- with good

14 reason -- and it creates some real special
15 challenges on the institutional control front.
16 Sediments -- of course, a Bay Area issue
17 for sure here. A lot of -- A lot of real
18 estate here where the -- the Navy has sediment
19 issues. I think, fundamentally, right now what
20 we're -- we're encouraged by a little bit more
21 willingness to look at these -- these issues.
22 I put it much in a -- in that context of the
23 budget ceiling kind of issue that I raised
24 previously with -- in the sense that we,
25 at least, want to start by looking at the

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1 sediments. Let's look at the information, find
2 out what we can about the sediments and then
3 let's make decisions. Let's not assume
4 automatically that we're talking about big
5 expensive remedies that are going to break the
6 bank. If that's really where we are, then I
7 think we're going to have to get together and
8 have that discussion but we need to have the
9 analysis, at least, first.

10 And, then -- lead-based paint in soils --
11 you know, actually -- what I didn't mention is
12 I actually did put these issues down in the
13 order that I consider sort of their importance

14 or their -- their trickiness at this point. I
15 really still believe that lead-based paint in
16 soils is not the boogie man out there that it
17 has been painted to be from the very
18 beginning -- in the sense that with a little
19 bit of information, we can actually make a lot
20 of decisions and I don't think we're going to
21 break the bank on that. In fact, we're
22 starting to collect information from a couple
23 of sites, including some information we got
24 fairly recently from Mare Island from which we
25 think we're going to be able to make some

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1 decisions that aren't going to result in -- in
2 much of any work at all. So, we'd like to keep
3 moving in that direction and I think that we've
4 got a real opportunity to still -- to -- to
5 wrap that one up without a whole lot of pain on
6 anybody's part -- but we're going to have to
7 get committed to it.

8 So, then, I'm going to close with a couple
9 of things that are actually broader than --
10 than BRAC. They certainly are -- are a part of
11 the dynamics in the -- the BRAC cleanup first,
12 but they cross over, also, into the cleanup
13 programs more generally in an open-base site.
14 The first one is on devolvement -- you know,

15 this is another where we heard -- and this was
16 primarily on the budget side -- but we were
17 given pretty broad assurances that devolvment
18 would basically be a transparent thing as far
19 as we were concerned -- and -- and I don't
20 think that it has been that. Certainly, on the
21 policy development side, we've had some kind of
22 fits and starts even recently -- if you go
23 anywhere between the model FFA -- kind of back
24 and forth that we've -- we've kicked around for
25 the last year or so -- between EPA, DoD and the

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1 Services -- and, then, also the site closeout
2 guidance where we had some fits and starts on
3 that -- and I -- I guess what I would
4 encourage you to do is take a -- take a real
5 close look at where devolvment has taken us
6 and consider if we don't need to kind of check
7 the scales a little bit and rebalance to where
8 some of the authorities and roles are within
9 the DoD and military service arrangement,
10 because I think there are times when we just --
11 we do need to hear one more -- a more unified
12 message coming out on behalf of the military
13 service and DoD.

14 And, then, the last point is community

15 involvement. You know, we actually have
16 some -- some good stories, I think, in Region 9
17 about -- about RABs and communities feeling
18 like they have meaningful input into how the
19 cleanup is going at the bases. But it's not
20 consistent and it's not consistent enough given
21 how much time and effort the military services
22 are spending on this, how much time and effort
23 the state is spending on it, how much we're
24 spending on it and -- but maybe most of all how
25 much time the community people are spending on

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1 it. They are investing in this because they
2 have been led to believe that they can make a
3 difference -- and if that's not what we
4 intended, then we need to change the message
5 out there for folks, including, as I had
6 mentioned earlier, on the -- on the -- more
7 on the reuse end as opposed to just the
8 cleanup, because I think people are -- are
9 still confused on just what is the extent of
10 their participation and what's the nature of
11 their opportunities to actually affect the
12 outcomes in their communities.

13 That's it for my remarks. Thank you.

14 MS. PERRI: Okay. We'll -- We'll
15 each go around and ask you some questions.

16 I -- I do have a few comments. One in
17 particular that -- you know, it would have been
18 helpful for all of us to have a chance to look
19 at your presentation as requested in December.
20 Second, on the DSMOA issue, one of my deepest
21 concerns is -- is that -- as you say, we move
22 forward -- for many I think that's gone on --
23 and fix what we can fix -- but, again --
24 although I think the Services made a commitment
25 to funding an appropriate budget, I don't think

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1 they -- did not include with that commitment
2 any oversight or accountability on behalf of
3 the state or EPA engaging in that process --
4 and it's very important, obviously, that the
5 federal government spend money wisely. I think
6 the dollars are fewer and far between and I --
7 I think it's beneficial to all of us, as we
8 move forward in the process, to keep that in
9 mind -- that there are really no blank checks.

10 Go ahead.

11 MR. OPALSKI: I think that we always
12 have to allow that. Every -- and all of us
13 are -- are, I think, under a spotlight by our
14 own government structure, by our own particular
15 agencies, to -- to be wise on the fiscal side.

16 On the other hand, I don't -- I do wonder -- in
17 terms of what's been the cost here -- if this
18 isn't a little bit of an example of penny-wise,
19 dollar-foolish. It's not to -- I'm not saying
20 that you don't still look at the -- the
21 applications and -- you've got to look at the
22 right amounts or what you think are
23 appropriate, but my point is that one was that
24 property -- we're led to believe -- or I was
25 led to believe as -- and outside this

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1 community -- that that was what was supposed to
2 happen at the base level to build it up -- and
3 that's what did happen -- and, yet, those
4 numbers were then -- were then second-guessed
5 when they said they weren't going to be.
6 That's my point.

7 MS. PERRI: Well -- but I guess -- I
8 guess my concern would be that you not think
9 they were second-guessed simply because -- the
10 people at the base levels, of course, have
11 supervisors -- and they need -- their
12 supervisors need to not ride herd on them and
13 create additional process where it's not
14 necessary, but certainly there is
15 accountability from the base commander to the
16 headquarters level -- and what has really been

17 at issue with California -- so that we're all
18 candid here -- is that in some cases, they have
19 sent more FTEs and money per site than EPA gets
20 for an NPL property for sites that are not on
21 the NPL and you -- we -- the cost driver here
22 is -- is out of sync with what other states are
23 doing -- and I think as we look for ways to
24 improve the process, one of the things we're
25 doing is reevaluating how we're doing things,

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1 you know, every step of the way, and if we have
2 one state charging four or five times as much
3 for a service that most of the states charge a
4 different amount for and a similar amount for,
5 then we certainly need to look at that for
6 purposes of accountability and cost savings to
7 the government. That aside, I think we all do
8 want to move forward and we want to move these
9 properties -- and from what I've heard here
10 today, it sounds like we're going to get some
11 really good ideas and solutions on how we might
12 work better as a team. Because I agree with
13 you -- you know, working as a team is really
14 the way to move forward.

15 The issue of devolvment not being as
16 transparent as it could be -- again, I would

17 ask for very concrete and specific suggestions
18 on how we can make that process more
19 transparent. I -- I know Paul Yaroschak is
20 here and Paul has been instrumental in working
21 with us to develop a guidance document on DoD's
22 budget and -- and giving the communities the
23 guide to our budget process and how you
24 interact with us. Because as you said, it's
25 critical as the driver that keeps us on

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1 schedule and that is intended to be
2 transparent. But if there are better and other
3 things we can do, let us know.

4 And, then, lastly, of course, community
5 involvement is appropriate. We have our RABs,
6 but we also have a lot of other opportunities
7 for people to work with us. Maybe you could
8 also -- and people here today -- will give us
9 some suggestions on how to improve that process
10 so that the RABs really do feel that they're
11 listened to so that the BCTs don't feel that
12 they're in a position of being the mediator --
13 and, again, as -- as a way to move forward, I
14 think what we're looking for is specific --
15 you know, in certain areas -- but -- but it's
16 great to hear your comments and we -- and we
17 look forward to you -- concrete ways on making

18 the process better.

19 MR. OPALSKI: One specific comment to
20 follow up on the RABs -- and this is not an
21 across-the-board thing -- but there have been a
22 number of instances when I've heard a
23 reluctance by -- I think in particular of the
24 service representative -- to have things taken
25 before the RAB before they are at a -- at

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1 a -- pretty much a consensus level and we have
2 actually heard back from a couple of RABs --
3 notably, Castle Air Force Base -- I think also
4 at Alameda -- we -- we heard the comment from
5 people that -- you know, they understand that
6 we have -- Well, if we're all focused on the
7 same big thing, we also have differences in
8 what our missions are within our agencies and
9 that they -- you know, they're also adults.
10 They understand that we don't agree on every
11 little thing -- and, in fact, that it's healthy
12 and better for them and better for the process
13 if we feel okay to have a healthy
14 conversation. It doesn't mean that we're
15 yelling at each other -- because we shouldn't
16 be doing that, anyway -- but it's that we're
17 having a debate in front of them and letting

18 them help to evaluate -- maybe they can come up
19 with a solution we haven't thought of. So,
20 that may be one thing that we could --
21 you know, reinforce as to the teams -- is it's
22 okay to come to the table in front of the RABs,
23 still having a discussion that you haven't
24 gotten worked out. Because I think they
25 appreciate that and actually expect that that's

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1 more of a reality of the process.

2 MS. PERRI: It is. It is. And --

3 And on the last issue on -- on working
4 better -- as you know, we -- we're trying now
5 within the cleanup office to improve our
6 partnering -- and part of that, I think, means
7 putting some of the issues on the table, as
8 you've said, sorting them out publicly --
9 because, again, part of it is having us all
10 think through the issue together. We certainly
11 don't have all the answers -- or don't even
12 know all the questions to have all the
13 answers -- so it's really helpful -- and as
14 you know, on the FFA -- we did work a long
15 time -- sometimes together, sometimes not
16 together -- but we set a deadline in -- in
17 September -- tried to reach closure on that by
18 September and we did so. We're doing similar

19 things with lead-based paint and I think what
20 Jim and Craig Cotes (phonetic) and I have
21 agreed to is that one way to improve the
22 process is, after a certain period of time, to
23 take the dialogue out of the hands of staff and
24 move it forward and see if we might reach some
25 closure at a higher level -- and we're

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1 committed to doing that so that we can,
2 in fact, move guidance and direction and
3 policies forward.

4 Don, do you have any questions?

5 MR. GRAY: Yes. I've been expressing
6 concern to the Task Force for several years
7 that once we started down that road, it would
8 be slow tailoring the remedy to the proposed
9 reuse of the property -- that -- that that
10 was -- that reuse would become the driver in
11 the remedial action decision.

12 It seems to me that your presentation
13 confirms that that's pretty much the case.
14 Looking at your comments about unfair burdens
15 being placed on BCTs to provide a redress -- a
16 follow-on to try to redress concerns that
17 people felt they were left out of the reuse
18 decision process and those kinds of things. It

19 seems to me that what you're saying is the
20 way -- the way they operate these days is that
21 once the reuse decision is conveyed to you by
22 whomever you consider to be the legitimate
23 authority even without concern for whether that
24 decision represents a true consensus of the
25 community or not, that you view your job, then,

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1 as simply devising whatever system of physical
2 and institutional controls are necessary to try
3 to make that -- that reuse decision
4 environmentally sound -- and, of course, we all
5 know that there's some real questions about the
6 effectiveness of institutional controls -- I
7 think you acknowledged that as one of those
8 unresolved issues. So, it seems to me what --
9 that what I've been concerned about is,
10 in fact, the case. Do you have any comment
11 about that?

12 MR. OPALSKI: You know, before coming
13 to work in the -- in the federal facilities
14 universe, I -- I worked for a number of years
15 in the Superfund program on private states
16 and -- you know, the -- we always have had to
17 deal with the issue of what's the reasonably
18 anticipated future land use as sort of setting
19 a baseline based upon which we do our risk

20 evaluations for the site and I guess you can
21 argue that the BRAC process is either a lot
22 better because it makes that -- gives them a
23 lot more focus and establishes a much more
24 prescribed process for defining what is that --
25 what does that mean -- whereas, on the private

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1 side of Superfund, we've got guidance out that
2 says you go -- go meet with local land use
3 planners and you talk with -- with local
4 government and so forth -- but it's not
5 something that's established quite so
6 rigorously as have been in the BRAC process.

7 Well, in -- if that process works well and
8 people feel like there's been adequate
9 consideration of everybody's viewpoints and the
10 timing element that I referred to earlier also
11 works out, then having a more prescribed
12 process helps. The problem -- "Well, what
13 happens when" -- for whatever reason -- "that
14 process breaks down" -- either you've got
15 people who don't feel like they've had a real
16 chance to participate or they haven't been
17 heard -- the timing is out of whack -- then --
18 a lot of times it seems -- because they're
19 waiting for that reuse piece to get done --

20 they're not quite sure -- "Well, what are we
21 supposed to use as our assumptions?" So --
22 Let me talk a little bit about what my
23 staff deal with as sort of a baseline. It is
24 true that the -- the designated reuse gives
25 a -- sort of a point of departure in the sense

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1 of what we're minimally looking at from a --
2 from our baseline risk assessment. However, we
3 always ask -- and it's not that we always get
4 this -- and certainly don't get it easily -- is
5 we always ask that the Service also provide an
6 analysis for the unrestricted use scenario so
7 that we can -- with them, look at, "Well, what
8 would it cost? What's the incremental
9 difference?" And if you can go ahead and --
10 and -- and lo and behold actually clean this up
11 and not have to rely upon an institutional
12 control and it only costs you, you know,
13 5 percent more or 10 percent more, isn't that
14 something we should all be thinking about --
15 partly because we're not real good yet at
16 costing out institutional controls -- just
17 putting it in fiscal terms. But even from --
18 you know, more from an environmental health
19 protection perspective -- if we can actually
20 deal with that problem for not a great

21 incremental cost no matter what the reuse plan
22 says, then let's take a look at that. So,
23 absolutely, we bring -- we try to bring that
24 into the analysis.

25 What -- I guess what I'm saying, though,

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1 are there are -- there are kind of two -- two
2 aspects that I'd like to reemphasize. One is
3 that the BCT does not have the authority to
4 change that designated reuse. So, to that
5 extent -- them having too much of a
6 conversation about that or spending too much
7 time on that, to me, is -- is going to get them
8 bogged down -- unless -- as I had mentioned,
9 there's a real red flag in terms of
10 environmental conditions that says, "We really
11 need people to take a look at this. Let's get
12 the reuse entity back in here and let's talk
13 about why what they did creates a problem." I
14 think that's -- really is the exceptional
15 case. And, then, the -- the other point,
16 remember, that I was talking about was -- was
17 more of the extent where -- because the reuse
18 planning process went through and actually
19 designated a reuse, which may have been -- may
20 have been more than what people today are

21 looking at -- as seeming to be appropriate
22 given that it's going to be really expensive to
23 clean it up -- that's where I was -- my comment
24 was. I see my cleanup team members kind of
25 somehow being blamed for the fact that in the

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1 reuse process, somebody asked for more cleanup
2 and even though we -- we might say, "It's going
3 to be expensive and we have to keep that in
4 account," in some ways, it's still the reuse
5 process that -- that would need to, I --
6 I think, take another look at that and not
7 necessarily expect the BCT to do that. But --
8 So, in that -- to that extent, I really -- we
9 are -- really are looking to follow what we
10 think is the paradigm that's been established
11 in the -- in the BRAC process to give us a lot
12 of guidance.

13 MR. GRAY: Just to clarify, you --
14 you -- it seems to me, you are saying that you
15 feel that the reuse decision that's presented
16 to you -- you feel you have no ability to
17 question, regardless of the process by which
18 that decision was arrived at -- and the reason
19 I raise this is I -- I can remember several
20 years ago when this forum -- raising the
21 question about, you know, whether -- what was

22 going to be the safeguards to assure that the
23 reuse authority was constituted in such a way
24 that it truly represented the make-up of the
25 community and I have heard many stories that

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1 indicate in many cases that has not been the
2 case. But you seem to be saying once that
3 decision is made, it's handed to you, you're
4 stuck with it, unless you can show that it
5 would be almost no -- not much more costly or
6 no more costly -- to actually clean the site up
7 to a level for unrestricted use.

8 MR. OPALSKI: Well, let me take a
9 stab at it this way: The project managers on
10 my staff are not shy about bringing up an issue
11 if they are uncomfortable with where we are at
12 a point in time. In other words, if we're
13 given a reuse scenario that they feel like
14 was -- is somehow inappropriate -- or they have
15 heard -- through a process, they've heard from
16 RAB members or somewhere else in the community
17 that they felt that -- that the process wasn't
18 working -- they want to raise that issue --
19 they're not shy about raising that issue.

20 The question is, though, what tools have
21 we really been -- have we really given them to

22 do anything with that once they've raised it to
23 my attention -- and I can talk to people about
24 it, but what I'm saying is there is -- there is
25 a point where the reuse process does plug in

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1 and the cleanup process, in order for it to
2 move forward, has to accept it as -- as -- more
3 or less, as a given of what we're -- what we're
4 trying to work with as opposed to saying,
5 "We're supposed to take another thorough
6 re-look at the reuse process itself." So,
7 we'll raise the issues -- there's sort of an
8 authority question here about -- about, "Okay.
9 We raise it, but what does that mean?" And
10 that's kind of my point on what the -- the
11 cleanup teams are spending their time on. They
12 can raise it, but if they're just to argue
13 about it because they really don't have any
14 authority to do much with it, then it's not a
15 constructive use of their time and we're not
16 going to make progress with it.

17 MS. PERRI: Okay. Jim, do you have
18 any questions?

19 MR. WOOLFORD: Yeah. Dan, thanks for
20 your presentation. I think it was very
21 illuminating. I just had two -- Two
22 questions: One on the -- on the budget

23 pressures -- and you talked about those -- just
24 a little bit -- as seeing an impact on
25 relationships at the BCT level and the inner

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1 workings there. What other impacts have you
2 seen from the budget pressures in the
3 Bay Area?

4 MR. OPALSKI: We had the one overhead
5 that is -- that was up that gave where the
6 different projects are in their process. I
7 think that it has -- the -- the tightness of
8 the budgets has certainly put some projects on
9 the back burner that for -- that it -- for
10 other reasons, we could have kept on going with
11 them. In other words, I think it essentially
12 kind of shifts -- it shifts the bar so that
13 more things are kind of -- they're not
14 necessarily -- they don't become low
15 environmental priorities, but they're lower on
16 the list -- so there's just less stuff that's
17 getting done there.

18 I think that -- the -- the main concern
19 that -- that I still have is that we're not
20 getting to -- often discussion of the issues
21 that really relate to what's the environmental
22 problem, because we're getting bogged down

23 with -- with the -- the team on the military
24 side having been so beat up by the message that
25 you've got to find someplace to save money --

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1 and we've all been trying to do that throughout
2 this process -- but they've gotten the message
3 pushed at them so hard now that, again, instead
4 of an issue being something -- "Oh, that's
5 something we need to talk about and we need to
6 figure out how to deal with in a meaningful
7 way," it's, "You're just throwing up an
8 impediment to my need to meet this budget
9 target and define an 'X' million dollar more in
10 savings."

11 MR. WOOLFORD: Okay. Thank you.
12 My second question was on something not on your
13 slides, but we've heard alluded to from the
14 previous speakers and that's on the early
15 transfers that's happening out here. Just from
16 your -- what's -- what's been your perspective
17 on that?

18 MR. OPALSKI: You know, it's
19 interesting -- I think that I -- my very first
20 meeting in the program was where we were
21 hearing about the early transfer legislation
22 going through and all of my EPA counterparts
23 recoiled, got upset, "How could DoD do this,"

24 and, then, everybody kind of calmed down and
25 figured out what we needed to do, saw the value

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1 of the early transfer process. We put in a
2 real concerted effort, wrote what I think is
3 pretty fair and clear guidance on the process
4 from EPA's perspective -- and, then, it -- and,
5 then, it gets baffling to me -- because now it
6 feels like we're -- things have been sort of
7 turned around. When we hear the words
8 "early transfer" come up at a number of the
9 sites, we hear back from -- from either the
10 LRAs or from -- directly from our Service
11 counterparts that they're talking about a
12 process that's going to take them -- a process
13 that's going to take them six or nine months to
14 complete even if the NEPA process has already
15 been completed and we're scratching our heads
16 thinking, "Well, wait a minute. If this an
17 appropriate circumstance" -- which I think --
18 you know, that's what I'm -- I'm talking about
19 here -- because we -- we still always would
20 prefer early cleanup to early -- just to early
21 transfer. But under the appropriate
22 circumstances, we've shown that this can happen
23 in a quick time frame and I am a little bit

24 baffled -- because I don't know what it is that
25 now is kind of holding it up from the Service

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1 side or within DoD -- if they're -- I don't
2 know if there's discomfort out there, but
3 something kind of feels that way -- because
4 people aren't looking for ways to -- to do
5 things that we've tried to do in the other
6 parts of the program in terms of cutting down
7 our review times, seeing if we can't bring
8 decisions down to a lower level and that kind
9 of thing -- instead we're hearing that it's
10 going to have to take a long time for things to
11 go up the chain and so forth. So --

12 MR. WOOLFORD: Thank you.

13 MS. PERRI: Have you explored the --
14 the impact of the real estate process on the
15 transfer and looked at all the components of
16 the actual transfer of the land as a hold-up in
17 that six- to nine-month process?

18 MR. OPALSKI: Well, when we've
19 been -- we've been looking at -- it's -- it's
20 been in the case -- cases have been brought up
21 to my attention where we thought we were headed
22 towards a straightforward transfer. Something
23 came up, we're reconsidering early transfer.
24 So, essentially, a lot of the real estate

25 elements had already been lined up.

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1 MS. PERRI: Had to be redone?

2 MR. OPALSKI: Well, no. They were
3 lined up already, so it was -- in some ways, it
4 was the piece of paper that was either FOST or
5 a FOSET that really needed to change -- and
6 that's what we can't understand -- is what --
7 what -- what were the other changes in the
8 process -- and you're right -- there may be
9 pieces that I'm missing that I'm just not aware
10 of, but it -- it's -- it looks like
11 something -- just about doing an early transfer
12 is making people a little bit nervous and I
13 don't know exactly what it is.

14 MS. PERRI: Okay. Thomas?

15 MR. EDWARDS: A couple of questions:
16 Following up on the early transfer issue,
17 I remember the discussions at the time that
18 legislation was being proposed and the
19 rationale for it was that the lenders wanted to
20 be able to take title so that they could loan
21 money on the property -- and I never understood
22 that because I couldn't visualize lenders
23 wanting to take title to contaminated
24 property -- and -- and, then, after it was

25 passed, I think maybe it had some -- some

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1 usefulness in other ways. But in -- from your
2 experience, what sorts of sites have they
3 wanted to do early transfers on? How has it
4 helped? Why have they wanted to do early
5 transfers?

6 MR. OPALSKI: I don't probably know
7 enough details about the ones that I've -- I've
8 bumped into. An example, though, is one where
9 the -- a developer had been lined up. They
10 don't want to lose the developer. They're
11 saying that it is useful to have the piece of
12 paper in hand, not because they intend to turn
13 dirt tomorrow to build a hotel or a golf course
14 or whatever it is, but because they actually do
15 have the flexibility to continue the process of
16 lining up their funding and other financial
17 mechanisms. But they do need that title in
18 their hand.

19 MR. EDWARDS: And that -- that I just
20 don't understand. Why a title as opposed to a
21 contract -- an option of some sort -- why
22 you -- why you want to take title to property
23 before it's cleaned up?

24 MS. PERRI: Take -- of the project.

25 MR. OPALSKI: Yeah.

1 MR. EDWARDS: Uh?

2 MS. PERRI: Look into it.

3 MR. EDWARDS: Okay. I had -- Stan?

4 MR. PHILLIPPE: In answer to you,
5 Thomas -- Stan Phillippe -- one of the things
6 that we've heard in a couple of the cases --
7 and we've done three early transfers now. One
8 had to do with transferring Department of
9 Energy property in the Elk Hills Petroleum
10 Reserve to Occidental Petroleum and that was a
11 real jam process because of the -- the -- the
12 sale of the petroleum reserve so we had to
13 hurry that one through. Sometimes what we've
14 heard is the developers are reluctant to make
15 the capital improvement to the property without
16 holding the title -- and that was the case in
17 the two transfers that took place at Mather Air
18 Force Base -- at least that was one of the
19 stated reasons.

20 MS. PERRI: Okay.

21 MR. EDWARDS: Okay. I had -- if I
22 may -- another question on another topic
23 having to do with -- not just the amount of
24 money in the budget -- but the timing and
25 sequencing of the money.

1 I read a report a few weeks ago that --
2 from the private sector -- that corporations do
3 not have to show their total environmental
4 liabilities in their balance sheet. They only
5 have to show current expenditures for
6 environmental cleanups and -- and environmental
7 programs. This leads to the phenomenon that a
8 private corporation would rather spend, say,
9 \$100,000 a year for 20 years than to spend
10 \$1,000,000 up front and get rid of the
11 problem. So, if there are two different
12 technologies, one -- one of which will get rid
13 of the problem right away and another which
14 will drag it out, they -- they may not go with
15 the cheapest cost -- or the cheapest life cycle
16 cost -- or the cheapest present value cost.
17 They -- They will go with the one that
18 minimizes their current expenditures -- and
19 this is just a quirk of corporate accounting --
20 and that really opened my eyes to the -- to the
21 importance of the way you account for these.
22 And, so, this leads to my question: Is there
23 anything that you've observed in the federal
24 budgeting process that tends to favor one kind
25 of cleanup over another when the best

1 engineering advice might be to go the other
2 way -- or if -- if you really were able to look
3 at the most efficient method in terms of total
4 protection of human health and the environment,
5 total cost over the life cycle, that you might
6 go a different way, but because of the way the
7 budget is structured, you don't do that?

8 MR. OPALSKI: I guess I'd have to say
9 from what I've seen -- you know, overall,
10 I think minimizing the costs is something that
11 the budget process supports -- because whether
12 they're given marching orders by OMB or
13 whatever, the Services know that they can't
14 answer everything that -- that they would
15 absolutely need in any given year -- and we
16 recognize that, too. The -- The -- I guess the
17 interesting part of the dynamic, though, is not
18 knowing from year to year how good the next
19 year is going to be. There sometimes actually
20 is pressure to spend a little bit more money in
21 the current year, if it's available, even if
22 it's not on a solution that -- that everybody
23 favors or that -- for instance, that -- it
24 could be that that's where there's a kind of --
25 a little bit of chicken being played where I've

1 got \$10 million this year. If I don't spend
2 it, it's going to go somewhere else and I don't
3 know that I can recoup it next year. So, I can
4 give you this kind of cleanup this year. I
5 know it's not quite what you want, but at least
6 I can get you something because I don't know
7 what I'm going to get done -- and I think that
8 that also is an interesting, sort of, dynamic
9 that's played out with some of the RABs
10 where -- I think we've all forgotten this at a
11 point -- which is, people still want the job to
12 be done right first.

13 MR. EDWARDS: Right.

14 MR. OPALSKI: If it takes a little
15 bit longer to do that -- I mean, within
16 bounds -- then so be it, but I think people
17 want it done right first and sometimes there is
18 a pressure -- less so now just because we're
19 not in -- as much in a program where there's
20 that kind of money just, sort of, around that
21 isn't -- somebody doesn't grab for another high
22 environmental priority, but it has been an
23 issue in the past.

24 MS. PERRI: Okay. Thank you.
25 General?

1 GEN. HUNTER: Dan, that was an
2 outstanding presentation. But you raise a
3 couple of points I want to just try to
4 clarify.

5 Can you hear me? Number one, you talked
6 about community involvement and then you talked
7 about some of the issues which -- your base
8 cleanup teams coming for reuse. What kind of
9 communications is going back and forth? Is it
10 at the local level? Is it at the national
11 level? The regional level? I'm trying to find
12 out, you know, where we have a disconnect.
13 Because it sounds like we're -- we're not
14 managing expectations -- or we start off in one
15 direction, and as the process evolves, there
16 are a lot of changes by either budget pressures
17 or some other pressures. I'm just trying to
18 find out where the disconnect is -- is
19 occurring.

20 MR. OPALSKI: You're talking about in
21 terms of the communication of expectations to
22 people who would -- who would be members of
23 RABs, principally?

24 GEN. HUNTER: Yes.

25 MR. OPALSKI: Yeah. Well, there is

1 the -- the RAB rule itself that's been issued
2 and sets out sets of expectations. So, I guess
3 you could say that that's at the national
4 level. But -- you know, frankly, what
5 determines whether a RAB is going to work or
6 not is what's happening right there at the
7 base. So much of this can be personality
8 driven -- and the extent to which the people --
9 and I'm not just talking about -- just to
10 clarify here -- just the Service people
11 here -- this goes to every member of the
12 cleanup team -- and it's an everyday challenge
13 for people to kind of get re-energized to
14 remember who this program is for ultimately
15 after all and to get energized to work with
16 those folks. Because even when it's going
17 well, it takes an incredible amount of energy
18 and it takes a very personal commitment and --
19 and that really needs to be reinforced as close
20 to the actual field level -- at the site
21 level -- as possible -- and I think that's
22 where -- that's where we need to keep doing the
23 work -- making sure that we're kind of --
24 you know, it is -- there's an attitude thing
25 right off -- do people believe they are engaged

1 in a process that's worthwhile or not? And I
2 think that RAB members -- if you asked
3 them -- a lot of them would raise the
4 question -- or would make the point that,
5 "Well, I'm not sure when I'm sitting across
6 the table from that person when I hear that
7 person give a presentation that they really
8 believe that I have a valid part in this
9 process and that it makes sense for me to be
10 here."

11 GEN. HUNTER: Okay. Thank you.

12 MS. PERRI: Paul?

13 MR. REIMER: Thank you. I have a
14 couple of numeric questions, Dan -- then --
15 and a couple of operational ones -- but I would
16 start by echoing General Hunter's comments, I
17 think you made an important presentation to us
18 and it is appreciated by this Task Force.

19 On the numeric side, of the 12 bases and
20 the fact that, as you reported here on the
21 slides, there are a limited number of FOSTs
22 that have been completed. Could you give us
23 any idea what the -- and we have 12 bases to be
24 involved with. How many operating units and,
25 therefore, individual FOSTs are you -- would

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1 you just give us a guess -- are involved on
2 these 12 bases?

3 MR. OPALSKI: I'm looking for help
4 here on this one. Let me -- you know, it -- it
5 varies quite a bit. The documentation flow
6 can -- can be fairly significant based upon how
7 a particular installation is divided,
8 of course. It really comes down to what's
9 the -- what's the number of parcels.

10 One of the things, I think, that was on
11 one of those figures is for the -- the
12 Fleet Industrial Service complex in Oakland.
13 We already have approved and signed through and
14 the state has -- on 79 FOSTs for that
15 facility. I think that -- when we were going
16 through a drill on Alameda Naval Air Station a
17 couple years ago on the FOSL side -- which
18 would kind of translate over -- it was on
19 the -- it was on the -- Oh, I have a cheat
20 sheet -- it was on the order of about
21 50 FOSLs. So, we have that kind of facility
22 number. But -- So, it's -- I would say in
23 total -- when you're looking at all the
24 facilities, it certainly numbers in the
25 hundreds.

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1 MR. REIMER: I would agree with that
2 as a -- as a conclusion -- and since you
3 brought up the FOSLs, are they now being
4 processed as readily or -- in some cases, we've
5 heard that by reason of the fact that the
6 environmental clearances are essentially the
7 same between FOST and FOSL that -- that the
8 Services are essentially saying, "Hey, let's
9 get to the FOST." Is that -- Are you
10 experiencing that in the field -- rather than
11 to allow the -- the finding of suitability to
12 lease as a way to go on an interim basis?

13 MR. OPALSKI: We have done so much
14 leasing on some of these properties that we're
15 kind of past that point of making that call.
16 But it is true, there are -- there is an
17 instance -- for instance, at Fort Ord where
18 we -- in fact, it's maybe even a current issue
19 where we've been talking about the --
20 potentially of a -- potential of a FOSL as a --
21 as an alternative -- and -- and at least to
22 date, the Army has not been particularly
23 enamored of that option. I think it is for --
24 mostly out of the feeling that, "Well, if we're
25 going to have to do the same work again to do

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1 another piece of paper later, let's just do it
2 once and get it over with at the time." But --

3 MR. REIMER: Well, my -- my only
4 point in being interested in the numbers is
5 that -- I -- I think it -- it suffices to show
6 that there's an awful lot of final processing
7 that's still ahead of us to get these bases to
8 the point that the land can be utilized. And
9 in that sense, what you discussed under the
10 DSMOA machination and your thought that maybe
11 we've arrived at a point here where our efforts
12 are not exactly cost effective -- in other
13 words, at the same point in time when we've got
14 to be moving to a lot of final regulatory
15 sign-off and action, I guess my concern -- and
16 I -- I just wanted to be sure I'm paralleling
17 yours -- that we, essentially, are getting a
18 disconnect here at the precise time when that
19 sort of activity is probably reaching its --
20 its peak in terms of what needs to be done. Is
21 that an interpretation -- proper
22 interpretation?

23 MR. OPALSKI: You know, even if we're
24 not talking about transfer documents -- if I --
25 if I kind of take this more to the part of the

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1 process that I feel that I know -- and that is
2 the actual environmental contaminant issues --
3 whether it was through the CERFA process where
4 we all agreed -- came to grips with what
5 were -- were clean parcels and said, "You can
6 go ahead with those," or it was the relatively
7 easy one-contaminant situations where you could
8 do a fairly -- you know, in relative terms --
9 quick characterization, deal with the problem,
10 identify it and -- and get to your action --
11 even just on the cleanup side, we've kicked a
12 bunch of the tougher issues down the road for a
13 while. We can't keep doing that -- not if we
14 want to make these transfers happen and we want
15 reuse -- and -- and if we want cleanup -- and
16 that's where we all need to be at the table,
17 honestly. Because that's -- that -- and I
18 wanted to go back and clarify a statement -- I
19 actually would suggest that the two documents
20 that are probably more equivalent from sort of
21 an environmental clearance perspective are
22 the -- the more closely aligned are the FOSET
23 and the FOSL, not so much a FOST.

24 The hurdle that has to be overcome for a
25 FOST can be fairly significant still at a site

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1 where a FOSL still might be approved just

2 because of the end use that is -- or -- or
3 the land use that is anticipated and allowable
4 during the FOSL period -- and that -- for
5 example -- I mean, the -- the most
6 straightforward one would be -- you've got a
7 portion of a parcel which eventually is meant
8 for unrestricted residential use. As long as
9 somebody agrees to only use it as a -- as --
10 you know, as a commercial/industrial use,
11 there's a good chance that you could do that
12 through a FOSL or even a FOSET, but it
13 wouldn't -- you may not even be really close in
14 relative terms to being a FOST.

15 MR. CHOUDHURY: Just for
16 clarification, FOSL is the finding of
17 suitability to lease. FOSET is finding of
18 suitability for an early transfer and a FOST is
19 a finding of suitability for transfer. All
20 three are basically the environmental clearance
21 process for real estate transactions.

22 MR. REIMER: Finally, Dan, a question
23 to you that stems, I guess, as much as anything
24 from the -- from the feigned frustration or
25 maybe actual frustration that comes through

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1 here -- one thing that this Task Force focused

2 on some time ago was the problem of maintaining
3 the membership on the teams -- in other words,
4 just the staff continuity in the BCTs. In
5 respect to what you've talked to us about
6 today, does this translate into problems
7 keeping your BCT staff people together,
8 as well?

9 MR. OPALSKI: Interestingly to date,
10 I would have to say that the staff have still
11 found enough reason to want to stick with it,
12 for the most part. I'm not saying that at
13 individual sites, we might have -- but folks --
14 I think it's a real indication of their
15 commitment to what they're doing.

16 You know, the example that occurs to me
17 is -- I'll try not to get into too much of a
18 storytelling mode here -- but my boss has
19 frequently told me that I need to be careful
20 not to take the job too personally, but when
21 you're out in a community and you're dealing
22 with issues that you care about already and
23 you're dealing with a lot of other people who
24 care about them, it's hard not to take what
25 you're doing very personally and I think that

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1 that's -- that's what gives people the extra to
2 want to stick it out and that's been good so

3 far.

4 Now, that being said, it's going to get
5 tougher for us, specifically, in this region,
6 because we, by far, have the biggest portion of
7 the resources that DoD provides to EPA to be
8 assisting with the BRAC process and that means
9 that we have to be starting to think now as the
10 program is starting to tail off in the out
11 years about how we're going to manage that
12 process and just communicating about it is
13 something that affects morale and makes people
14 feel uncertain and makes them think, "Well,
15 let's see. Last week when I heard about that
16 job" -- "I wasn't even thinking about it" --
17 "because I am committed to what I'm doing.
18 This week I heard about it, but I also got a
19 briefing on where our resources are headed by
20 the year 2001-2002 and I'm thinking that job
21 doesn't look so bad anymore." So -- it's going
22 to get tough. So, again, we've got the
23 confluence of these things. We've got really
24 tough cleanup issues. We've got really tough
25 and a -- and high-volume work to do on the

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1 transfer side still -- and, yet, at the same
2 time, we're kind of already talking about

3 ramping down the program just out of necessity
4 and it's -- that's going to be a tough
5 confluence of events.

6 MR. REIMER: Thank you for your
7 overview.

8 MS. PERRI: Thanks. Okay. We have
9 three more speakers and we're -- we're at our
10 deadline, so if we could move this along -- and
11 Dan's had court here for quite a while --
12 and -- and try to take a little break before we
13 continue.

14 Steve, do you have anything -- or Stan --
15 that hasn't been addressed?

16 MR. ROGERS: No. I'll pass.

17 MR. PHILLIPPE: Just -- Just a quick
18 comment that -- I'm still not sure exactly what
19 to say about the California DSMOA, but it's
20 come up a lot and one of the things that the
21 DERTF has to think about is, "What can be done
22 to keep the process of cleaning up and moving
23 the sites through the cleanup mill going?"
24 There are some things that drive cleanup costs
25 and DSMOA costs. Most directly is the amount

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1 of work that's being anticipated to be done
2 during any given year -- and when I look at our
3 spending patterns in DSMOA in California, what

4 I see is that we've gone down each of the last
5 three years and I don't expect that we'll go up
6 this year, either. Whereas, the work, on the
7 other hand, has not gone down. We -- We built
8 ourselves up to a certain level about three or
9 four years ago when it peaked, partially due to
10 a lot of needs and wants and pressures from DoD
11 to make certain things available to DoD out
12 here. Most of those things were not
13 necessarily project management -- get the
14 projects done through the process -- some were,
15 but -- we've gotten rid of all of those
16 things. We don't have anything left but
17 project managers -- and -- and fewer of those
18 than we've ever had.

19 On the other hand, when you asked the
20 teams last year to figure out how much work is
21 on the plate this year, the amount of work on
22 the plate this year was increasing. So, we've
23 gone down, the work's gone like this and it's
24 not a blank check. There are some ideas that
25 we're going to be talking to the Services about

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1 for process improvements and things that I
2 think will help in that area. But if you want
3 to get these sites moved through, you're going

4 to -- you're going to have to recognize that
5 they're going to have to get through the state
6 regulatory process -- and we'll -- we'll work
7 with you to make those costs as small as we
8 can, but it -- it doesn't get work done any
9 faster to cut us back that much.

10 MS. PERRI: Right. Okay. Brian?

11 MR. POLLY: Dan, very good
12 presentation. Two real comments instead of
13 questions. Number one, lead-based paint in
14 soils. I hope you're right and you will be
15 accommodating -- because in talking to Tim and
16 Jim for the last year, I am worried -- because
17 what we want to do is -- again, welfare is very
18 important as far as protection of human life
19 and the companionate with that is we need to
20 move properties. So, if you can work and help
21 us from a regulatory standpoint to find easier
22 means of dealing with this that will save us
23 time and money, we appreciate that.

24 Second thing -- which I think is very
25 important -- early transfer authority is very

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1 essential. It makes a lot of sense. You're
2 absolutely right. One of the big things we're
3 hearing from two of the departments that we're
4 currently dealing with to help move property

5 under earlier transfer authority are very much
6 concerned as far as the approval cycle within
7 the headquarters both of the Service and also
8 DoD and so we'll be working on that. But we're
9 hearing the same types of things that you've
10 mentioned in your presentation.

11 Thank you.

12 MS. PERRI: Thank you, Dan.

13 Why don't we take a break now until 3:30
14 and come back?

15 (Short break taken.)

16 MR. CHOUDHURY: Please take your
17 seats. Please take your seats so that we can
18 go on to the next item on the agenda.

19 Before that, let me make some
20 administrative remarks. It is very important
21 to use the microphone to -- to speak so that
22 everybody in the room can hear what you're
23 saying and so that the stenographer can help us
24 keep the record.

25 For other than Task Force members, I

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1 request that when you speak that you identify
2 yourself with name and affiliation. As we are
3 going to have a public comment period both
4 tonight and tomorrow night, I -- and if you so

5 desire to speak at the public comment period, I
6 request that you fill out the purple cards
7 indicating which night you want to speak.
8 Those cards are on the table outside this
9 meeting room -- and once you have filled out
10 the cards, I request that you turn them in to
11 me. We will be taking speakers for public
12 comment in the order that the cards are turned
13 in to me.

14 Task Force members were provided -- during
15 the break -- were provided with three pieces of
16 paper, two of them in reference to the
17 presentation earlier on today by
18 Mr. Sean Randolph, dealing with suggestions on
19 streamlining the base conversion process and
20 also the water transit project that the
21 Bay Area Economic Forum is looking into. The
22 third piece of paper is with respect to the
23 presentation tomorrow morning by Ms. Denise
24 Chamberlain on Pennsylvania's Voluntary Cleanup
25 Program.

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1 At this point, I would like to introduce
2 the next speaker, Ms. Amber Evans of the
3 Bay Area Defense Conversion Action Team, for
4 the presentation on Bay Area BRAC Overview on
5 Cleanup Approaches, Opportunities and Issues.

6 MS. EVANS: Hello. And thank you for
7 having me this afternoon. I'm Coordinator of
8 the Bay Area Defense Conversion Action Team,
9 better known as BADCAT Environmental Technology
10 Partnership. I appreciate the opportunity to
11 share with you today our history, methods,
12 accomplishments, challenges and the
13 opportunities, a unique consensus-based
14 approach to public/private partnership
15 introducing innovation in cleanup through a
16 Bay Area field testing program.

17 BADCAT ETP was created in 1994 under a
18 formal memorandum of understanding through the
19 support of the U.S. Department of Commerce's
20 Economic Development Administration and the
21 James Irvine Foundation. The partnership has
22 now -- now includes partners in public,
23 private, regional, state and federal
24 organizations.

25 The goals of the partnership are to

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1 address the barriers and gaps in environmental
2 technology development and commercialization,
3 and, most fundamentally, to help expedite
4 cleanup, transfer of properties, economic
5 conversion of Bay Area military bases and,

6 where possible, stimulate growth of the
7 region's environmental technology industries.

8 To achieve these goals, we've established
9 a regional field test program seeking faster,
10 better and cheaper technologies to characterize
11 and remediate Bay Area bases -- preferably with
12 technology vendors in the Bay Area.

13 Can you show our objectives? The program
14 offers access to sites, reliable cost and
15 performance data, regulatory acceptance,
16 interstate and intrastate data reciprocity and
17 potential identification of venture capital
18 funding.

19 Priorities for soliciting innovative and
20 emerging technology vendors are determined by
21 the partners through a consensus process.
22 Vendors fund the field test as part of their
23 own R&D efforts. Cleanup decision-makers and
24 stakeholders are provided firsthand opportunity
25 to observe real advantages versus vendor claims

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1 and asks critical questions of vendors during
2 on-site tours. Tour announcements are sent to
3 BCT and RAB members, cleanup contractors, local
4 reuse authorities, municipal representatives
5 and the press. Findings from the cooperative
6 and critical review by regulators and end users

7 are compiled into a brief overview called a
8 TechData Sheet. This has been mailed by the
9 Center for Public Environmental Oversight --
10 one of our partners -- to over 3,000 people
11 and then utilized with presentations at key
12 forums, including Tri-services, the BCT round
13 tables and the Bay Area's environmental trade
14 show. Further, CPEO's -- or Center for Public
15 Environmental Oversight's -- on-line TechTree
16 indexes technologies applicable to specific
17 environmental contaminants and their media.

18 The first solicitation for innovative
19 technologies targeted characterization
20 remediation of soils with metals or petroleum,
21 contaminants with the highest volume at
22 Bay Area bases. In January of 1997, two
23 technologies were demonstrated at Hunters Point
24 Naval Shipyard. Klohn Crippen demonstrated
25 Chemtech's soil washing treatment system and

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1 On-Site Laboratories demonstrated field
2 screening with Energy Dispersive and X-Ray
3 Fluorescence.

4 Upon completing our first field
5 demonstrations, we sought feedback from the
6 BRAC cleanup teams and RAB at the Bay Area

7 closing naval facilities as to their cleanup
8 priorities. The survey highlighted that the
9 policy shift to natural attenuation meant that
10 identifying technologies for remediating higher
11 volume, lower risk materials -- such as
12 petroleum -- was no longer as high a priority.

13 Concurrently, a vendor that had proposed
14 under the original solicitation to address
15 petroleum was instead used to remediate PCBs
16 and in the fall of 1997 Terratherm
17 Environmental, assisted by RT Environmental,
18 effectively demonstrated in-situ thermal
19 desorption at Mare Island. However, RAB
20 responses have shown a strong interest in
21 exploration of both bioremediation and
22 phytoremediation -- excuse me -- encouraging
23 a current demonstration planned for
24 bioremediation of bunker fuel this spring.

25 Perhaps the most significant finding from

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1 the survey, however, was the clear
2 identification of media other than soil as
3 primary concerns in the Bay Area. Monitoring
4 and remediation of sediments and groundwater
5 monitoring -- and groundwater -- were the top
6 technological needs raised by the survey.
7 While addressing contamination in Bay sediments

8 was considered beyond the scope of the
9 partnership's capabilities -- and I think Dan
10 really referred to this as a critical issue --
11 we targeted our second solicitation to
12 groundwater monitoring and our next field
13 demonstrations will include a technology to be
14 tested at two Bay Area sites.

15 Given BADCAT ETP's decisions are made by
16 consensus, stalemates are effectively
17 eliminated and drawn-out conflicts are
18 avoided. In all of ETP's activities,
19 participating agencies, which are often in
20 direct conflict in other arenas, work together
21 toward common objectives. Notably, I would say
22 that the baggage is left at the door with this
23 partnership and the partners have been quoted
24 to be saying, "I can't believe I'm agreeing
25 with" -- "but" -- and it's in this context

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1 that we've been able to move forward.

2 We've created an environment where
3 conflicts elsewhere can be seen as priorities
4 to be addressed within the partnership. For
5 example -- as raised in the last
6 presentation -- the context of rising national
7 controversy regarding lead-based paint, we

8 sought technologies to address lead-based paint
9 on residential structures and in soil. All
10 partners see a cost-effective, safer and
11 reliable technological option as advantages,
12 regardless of who pays in the end.

13 This cooperation leverages private
14 investment by participating firms. For
15 example, Klohn Crippen's demonstration cost the
16 firm \$30,000. Further, it opens the door for
17 potential contracts, targets local
18 entrepreneurship, addresses barriers to
19 commercialization and -- as highlighted in your
20 own publication shown today -- has the
21 potential for national impacts. This was a
22 technology demonstration done through BADCAT of
23 in situ thermal desorption.

24 As per our goals, BADCAT ETP has addressed
25 barriers to commercialization that have limited

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1 the implementation of innovative technology.
2 Klohn Crippen -- one of our first technology
3 demonstrations -- has gone on to secure
4 \$2 million in venture capital to move a
5 full-scale system. Highlighted by Terratherm's
6 demonstration, ETP has been able to streamline
7 permitting to expedite field access, link the
8 demonstrations to state certification programs

9 and provide data for national permits and
10 interstate data reciprocity.

11 Throughout BADCAT ETP's evolution, there
12 has been debate over whether participating
13 firms who successfully demonstrate should be
14 guaranteed a contract. No firm has ever been
15 provided such a guarantee. However, as a
16 result of the demonstrations, contracts have
17 been successfully awarded to participating
18 firms through the use of a more flexible
19 contracting mechanism that targets
20 innovation -- NFESC's Broad Agency
21 Announcement.

22 At Camp Pendleton, On-Site Laboratories
23 provided rapid field analysis of a range of
24 metals and other contaminants with 35 samples
25 per day, each below cost of off-site analysis.

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1 At Centerville Beach, Terratherm is removing
2 PCBs partially under a building desired for
3 reuse of, as the Mare Island demonstration had
4 indicated they could.

5 In balancing our goals, we're continually
6 challenged by our desire to find the best
7 technologies and promote local economic
8 development to offset the debilitating results

9 of base closure. We've provided greater
10 exposure to and review of a local technology
11 vendor already conducting a treatability study
12 in the Bay Area -- Geokinetics at Alameda Naval
13 Air Station. Our next technology
14 demonstrations include two local firms and a
15 third which is affiliated with a local office.
16 While our solicitations have been national in
17 scope, we have an explicit policy to select
18 local firms if they offer comparable
19 capabilities to a national competitor.

20 The field test program operates in a risk
21 adverse and scientifically -- scientifically
22 and regulatory uncertain environment in
23 communities where it's not easy to answer the
24 question that may arise, "You are leaving what
25 in place," particularly in communities where

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1 years of mistrust have built up fear,
2 resentment and conflict.

3 Each agency is trying to achieve the
4 greatest return on its investment of time, but
5 we're all gambling on uncertain technological
6 advances and the individual skills of private
7 firms. Each demonstration is, in fact, a test
8 with the potential of failure. However, this
9 risk of failure in field tests reduces the risk

10 of use of innovative technologies for
11 remediation or characterization. A lesson
12 reiterated throughout the partnership's
13 activities is the importance of trust,
14 initiated with clear communication and followed
15 through with fulfillment of promises. As a
16 partnership, we've been far better at
17 establishing a sense of shared objectives
18 within the partnership than between community
19 representatives, BCTs and the partners. The
20 partnership was explicitly established to
21 expedite cleanup. We've struggled with every
22 demonstration -- with how to ensure the
23 participation of the RAB and BCTs without
24 adding an additional workload for them or
25 slowing down the time lines that were

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1 explicitly there to expedite.

2 Application of innovative technologies
3 must meet the cost equation of one of two
4 alternatives standards -- dig and haul or
5 pump and treat. Meeting the lowest
6 denominator -- cost -- as well as the highest
7 standard -- safety -- requires true
8 innovation.

9 The in situ remediation technologies we've

10 tested are compared to the speed with which a
11 truck can be loaded. However, in situ
12 treatment avoids displacement of the
13 contamination and exposure to surrounding
14 neighborhoods. And cost, as every partner
15 knows, can never be the only consideration.

16 Can you show the slide of the article?
17 And every community has local concerns about
18 untreated waste. However, as we -- as this
19 title -- which I showed because I think -- as
20 we talk -- you can just leave that up -- as we
21 talk about local in situ remediation and then
22 displacement of materials, we also need to
23 acknowledge that no community wants to be a
24 mere guinea pig. Community concerns facing the
25 partnership must be addressed if we're going to

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1 use specific sites for regional technology
2 demonstrations. Questions that have arisen
3 are, "Is the technology safe to use even in a
4 field test situation? Do technological
5 improvements reduce or increase local
6 employment opportunities? Does in situ
7 treatment leave unacceptable levels of
8 contamination in place or avoid undesirable
9 exposure from transported materials?"

10 An example of the conflicting nature of

11 priorities of faster, better, cheaper was
12 illustrated for me the other night. A Bay Area
13 base has faced removal and off-site disposal as
14 the preferred alternative. However, spillage
15 of soil has since resulted in community
16 outcry. The response -- barging backfill
17 materials in -- raised the question of whether
18 the reduction in trucking jobs had adversely
19 impacted local participation and cleanup
20 employment opportunities. So, we have set as
21 our goals these three things, but I think we
22 always have to face, "Where do we pick the
23 priorities between faster and better and
24 cheaper" -- with the ultimate goal -- putting
25 them together.

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1 However, the aversion of risk of
2 innovative technology results in weak
3 technology demand, creates little incentives
4 for firms to participate on their own dime --
5 as in our partnership -- and reduces limited
6 R&D funds available to firms. Scientific
7 uncertainty regarding what is a safe level
8 results in regulatory uncertainty, which in
9 turn results in market uncertainty -- such as
10 the policy attenuation to -- for natural

11 attenuation reducing demand for more active
12 remediation technologies.

13 Further, the market is subject to budget
14 allocations often below the forecast. More
15 than once, the partnership has been interested
16 in the technological capabilities of a firm
17 that did not have sufficient capital to fund a
18 field test. Notably, one of those examples is
19 a firm in Washington for lead paint
20 abatement -- lead paint in soil -- one of
21 the -- the targeted issues just raised -- that
22 firm didn't have the capital to pursue
23 participating in a paid-for demonstration and
24 we've not moved forward with the solicitation
25 we made in that area. Perhaps most notable are

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1 the firms that have -- are also the firms that
2 have not seen the potential volume of work as
3 significant or stable enough to justify such a
4 targeted demonstration. Firms have noted lack
5 of support for implementation of innovative
6 technology as a reason not to participate as
7 well as lack of viable contract opportunities.

8 As the Bay Area RODs are scheduled to be
9 completed in the next two years, the
10 partnership is faced with its window of
11 opportunity coming to a close to identify the

12 innovative technologies for consideration in
13 Bay Area cleanup that will save money and time
14 while increasing effectiveness and safety. To
15 secure the greatest return on each agencies'
16 investment of time and creativity, every
17 partner has enthusiastically supported the
18 ongoing efforts of the partnership over the
19 next year or two.

20 To truly expedite Bay Area cleanup, reduce
21 the costs or improve cleanup results,
22 technological innovation must be supported at
23 every level -- by institutional flexibility,
24 interagency cooperation, encouragement of
25 strong community input and response to local

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1 needs and priorities, open communication and
2 trust building. Tools that need further
3 exploration include performance-based
4 contracts, risk management, streamline
5 permitting -- and, of course, without cleanup
6 funding, there's no market and no innovation.

7 Thank you.

8 MS. PERRI: Thank you.

9 MR. CHOUDHURY: Ms. Perri, I just
10 want to point out our next presentation is
11 scheduled for 4:00 o'clock. So --

12 MS. PERRI: Okay. All right. I'm
13 going to -- I'll pass and I'll switch -- go
14 this way this time.

15 MR. POLLY: One quick one. Amber,
16 very good presentation. One thing you may want
17 to consider is gain sharing contracts, which is
18 what the utilities are using. So -- just a
19 consideration besides performance-based
20 contracts. Okay?

21 MS. PERRI: Stan? Steve? Paul?
22 Anything?

23 MR. REIMER: Thank you, Amber.
24 Good presentation.

25 MS. PERRI: General?

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1 GEN. HUNTER: Amber, I just wanted to
2 ask the question -- you talked about two
3 demonstrations. Both of them at
4 Hunters Point?

5 MS. EVANS: We have had more than two
6 demonstrations. We've had two at
7 Hunters Point -- our initial ones -- we, then,
8 had a Fast-Track demonstration of in situ
9 thermal desorption at Mare Island. We explored
10 an ongoing treatability study for
11 electrokinetics at Alameda Naval Air Station
12 and we now have gone through a second

13 solicitation targeting lead-based paint
14 abatement and remediation in soil and
15 groundwater monitoring. That has translated
16 into some of those being responded to in the
17 affirmative and us moving to demonstrations in
18 some other areas. So, the groundwater
19 monitoring is moving forward at two sites --
20 Hunters Point and Moffett -- and we're also
21 looking at bioremediation in Point Molate --
22 bunker fuel -- and, then, we're looking at
23 lead-based abatement with an ice blasting
24 technology at Hamilton.

25 GEN. HUNTER: My last question to

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1 you: You mentioned that some of the firms
2 dropped out -- either because of lack of
3 guarantee of follow-on contracts or they didn't
4 have R&D funds that they could invest to
5 explore these technologies. Are there any
6 state or federal funds being contributed to
7 this partnership?

8 MS. EVANS: The federal funds that
9 have continued the partnership have been EDA
10 funds. That EDA grant is now subsiding and we
11 are looking to how to continue the partnership
12 through the -- the responses of the agents that

13 are participating.

14 GEN. HUNTER: Thank you.

15 MS. PERRI: Jim? Anything? Don?
16 Anything?

17 MR. GRAY: Yeah. You used the
18 formulation several times in stating the
19 objectives of this innovative technology --
20 better, cheaper, faster. We have seen
21 statistics showing that in recent years the
22 trend is much more towards containment remedies
23 with accompanying physical or institutional
24 controls, which -- in terms of two of those
25 criteria -- faster and cheaper -- probably beat

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1 not only the existing technology, but also your
2 innovative technologies -- and, so, my question
3 is whether or not the trend towards these kinds
4 of remedies and -- reduces the incentives not
5 only for development of, but implementation of
6 these innovative technologies?

7 MS. EVANS: I absolutely believe so.
8 I think -- you know, I've specifically had
9 firms indicate that with -- with the market --
10 in terms of what will the Navy move forward
11 with -- or any branch of DoD want to contract
12 for their technology -- I've heard them say the
13 private sector is much more likely to have --

14 to contract us.

15 MR. GRAY: And if I may just ask one
16 follow-on that -- but isn't it possible that if
17 there were sufficient incentives to develop
18 these newer more innovative technologies --
19 things like phytoremediation and so on that you
20 have mentioned -- that, in fact, it might be
21 cheaper with some of those to actually clean up
22 a site to where it could be used for
23 unrestricted use rather than putting
24 containment and institutional controls on it,
25 which -- we don't know what the cost is going

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1 to be if it goes on for 50 or 100 years?

2 MS. EVANS: Absolutely. And I think
3 that -- right now, when I said that this is our
4 window of opportunity -- here in the Bay Area,
5 we understand the RODs will close as scheduled
6 in the next couple of years. So, I think for
7 us seeking what -- how we can get good cost and
8 performance data on these technologies so that
9 that can be part of the decision process
10 between evaluating a more active destructive
11 technology versus institutional controls is --
12 is a key part of the timing of our work.

13 MR. GRAY: Thank you very much.

14 MS. PERRI: Thank you. Very good
15 presentation.

16 MR. CHOUDHURY: The next item on the
17 agenda is Public Involvement in BRAC Cleanup
18 panel with Mr. Lenny Siegel, Mr. Saul Bloom and
19 Mr. Bill Touhy. The prepared statements that
20 were previously provided by Mr. Siegel and
21 Mr. Touhy were posted on the web -- and I see
22 Mr. Bloom.

23 I'd request this panel to sit at the table
24 near the podium -- and my understanding is
25 Mr. Siegel will be the first speaker -- to be

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1 followed by Mr. Bloom and then Mr. Touhy.

2 Okay. Mr. Gray, since you are sponsoring
3 this panel, do you want to make any
4 introductory remarks?

5 MR. GRAY: Well, I'd just like to say
6 that -- as I said in my opening remarks, I -- I
7 think this is a landmark effort to get some
8 real feedback from people who have been deeply
9 involved in the process of cleaning up at
10 closing and -- as well as active bases -- for a
11 long a period of time and have a lot of
12 experience and a lot of knowledge in the area
13 and I'm very happy we're going to have a chance
14 to -- to take advantage of their knowledge and

15 experience in this area and -- instead of my
16 introducing each one of you, would you just
17 begin by telling us a couple of words about
18 your background and how -- how you've been
19 involved in this area.

20 MR. SIEGEL: My name is
21 Lenny Siegel. I'm Executive Director of the
22 Center for Public Environmental Oversight,
23 affiliated with San Francisco State University,
24 San Francisco Urban Institute and a lot of
25 people here may know me from a variety of

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1 committees that we've been sitting on together
2 over the years. But I'm really here today --
3 the way I started in the environmental
4 restoration field -- as a local activist from
5 Moffett Field, which is about 15 minutes down
6 Highway 101. If you flew over -- flew into
7 San Fransisco -- SFO -- you might have flown
8 over the big old blimp hangars that are the
9 landmarks of the base. I'm a member of the
10 Silicon Valley Toxics Coalition, which is our
11 local county-wide toxics environmental group
12 and founder and officer of the Alliance for a
13 New Moffett Field, which is a grassroots group
14 working on reuse issues for Moffett Field.

15 I guess a lot of you in the military kind
16 of -- are happy to hear me present because
17 Moffett's Restoration Advisory Board is
18 basically a success story and you probably
19 don't hear many of those. Moffett -- in fact,
20 the Technical Review Committee at Moffett was
21 the model that the Federal Facilities
22 Environmental Restoration Dialogue Committee
23 used to propose the nationwide development of
24 site-specific advisory boards.
25 By "successful," I don't mean that the

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1 regulators, the military, other responsible
2 parties in the community always agree. We
3 don't. But we listen to each other and we very
4 often come up with compromises that seem to
5 suit everybody in the long run. There are
6 three principle reasons why I think the
7 Restoration Advisory Board -- and before that
8 the Technical Review Committee at
9 Moffett Field -- have been successful. First,
10 there have been key people in the Navy who
11 through their personalities and through their
12 decisions about who to invite to meetings have
13 made sure that the public was well
14 represented. First, Captain Tim Quigley, who
15 was the base commander when Moffett was first

16 proposed for closure -- and, now, the Base
17 Environmental Coordinator, Steve Choa.
18 Secondly, the community around Moffett Field is
19 an empowered, educated community. It's -- It's
20 actually fairly diverse -- socioeconomically
21 and racially -- but being in the heart of
22 Silicon Valley, we have a lot of people who
23 have their own technical expertise. So, the
24 folks in the community understand some of the
25 environmental issues that we have to deal with

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1 at Moffett Field and are used to being listened
2 to. Moffett is only one of 29 Superfund sites
3 in Silicon Valley and we've been dealing with
4 those over the years. And, so, when -- when
5 Moffett came up, we just picked -- you know,
6 picked on it in order with the other issues
7 that we were dealing with. We have
8 expectations that our groundwater will be
9 protected and that's -- I guess the third
10 reason is that the Silicon Valley Toxics
11 Coalition brought together -- basically, eight
12 or nine years before Moffett's Federal
13 Facilities Agreement was -- was proposed -- a
14 coalition of not only environmentalists, but
15 public health professionals and organized labor

16 in a very effective organization that --
17 for example, brought Silicon Valley the first
18 storage tank ordinance -- double-walled storage
19 tank ordinance in the country. I believe it
20 was the first. I know it was the model that
21 was used for the state and the nation. So,
22 again, you have a combination of key Navy
23 people, an educated, empowered community and a
24 history of organizing.
25 When the -- About the time the Restoration

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1 Advisory Board was formed, the Silicon Valley
2 Toxics Coalition obtained a technical
3 assistance -- actually, two technical
4 assistance grants -- one for Moffett Field and
5 one for the adjacent MEW study area, which
6 represents electronics companies -- such as
7 Intel -- in the area that also have their
8 Superfund sites. MEW stands for three streets;
9 Middlefield, Ellis and Whizman (phonetic). So,
10 I'll just refer to it as MEW.

11 When the Silicon Valley Toxics Coalition
12 got the grants, we formed an advisory group,
13 brought in under the Toxics Coalition -- some
14 of the -- some of the members who -- which
15 later became members of the RAB when it was
16 formed -- and in doing that and later on with

17 the RAB, members of the community who are
18 actively concerned about Moffett Field
19 established priorities for what we thought were
20 the important issues. We, as the community,
21 have never tried to oversee every last thing
22 that the Navy, NASA and the electronics
23 companies were doing in the cleanup. We had
24 things that we cared about and those are the
25 things that we brought to the table. The

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1 most -- highest priority was protecting our
2 local drinking water supply. A portion of the
3 drinking water in my community and
4 Mountain View comes from underground aquifers
5 which are -- have been impacted not directly
6 yet by the Navy, but directly by the
7 electronics companies which share a huge
8 regional plume of trichloroethylene with the
9 Navy. And, so, we had already been working on
10 that issue when the Navy started to deal with
11 it and our role was to insist -- and we lobbied
12 EPA fairly heavily on this -- that the plume,
13 which was geographically the same plume -- be
14 regulatorily treated the same instead of -- we
15 didn't want to have one cleanup program for the
16 Navy plume and other one for the electronics

17 industry plume when they were the same
18 plume -- that actually took a while -- but we
19 were successful -- and that the cleanup of
20 NASA, the Navy and the electronics companies is
21 now coordinated and the extraction system is
22 now being tested and will be functioning on
23 line right now.

24 The second priority: Protecting the
25 San Francisco Bay and its wetlands. It's no

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1 coincidence that most of the Navy bases in the
2 Bay Area are, in fact, on the bay.
3 Moffett Field -- if you were to turn off the
4 pump -- what the Navy calls Building 191 -- if
5 you were to turn off, the runway would flood.
6 It's really below -- a good portion of the
7 runway at Moffett Field is below sea level.
8 There's a lot of concern in the Bay Area --
9 even from people who don't drink the
10 groundwater -- a lot of our water comes from
11 the Sierras -- about the impact of the toxic
12 contamination on the wildlife throughout the
13 food chain -- and this is an issue at
14 Moffett Field and we're concerned that it
15 become an issue -- not reach the bay -- because
16 of the valuable ecological resources -- not
17 just the ecological resources that are there

18 now, because there's been a lot of habitat
19 destruction over the years. Much of the bay
20 near Moffett Field is now being used as salt
21 ponds, but there's a proposal to restore 29,000
22 acres of salt ponds as well as -- and the
23 migrants are advocating that the wetlands at
24 Moffett be restored. We want the cleanup to
25 support that.

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1 At the last RAB meeting -- I was back in
2 D.C., for meetings, so -- so I only know this
3 from the minutes -- an issue came up, "Well,
4 what do we have to clean up in the stormwater
5 retention pond" -- which is the non-tidal
6 wetlands at Moffett Field -- and the question,
7 "Well, are there any fish there?" Well, there
8 probably aren't any fish there because
9 sometimes the place is dry. But our community
10 would like you to assume that at some point
11 we're going to open that up to tidal flow and
12 there will be fish there and cleanup should
13 support the full protection of the food chain.
14 That's the concern of the community and we have
15 fought -- along with the regulators -- to
16 make sure that the Navy pays attention to the
17 ecological risk of the contaminations there as

18 well as our initial focus, which is
19 contamination of the groundwater.

20 The third issue -- which is appropriate
21 for today -- is -- it's been very important
22 to our community to preserve the flexibility of
23 reuse. As many of you may know, most of
24 Moffett Field was taken over by NASA -- and
25 there's a research center next door -- they

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1 took over the airfield that was being used by
2 the Navy and the Air Force and other agencies
3 and the Air Force -- Onizuka Air Force Station
4 took over the houses -- and, actually, that's
5 part of BRAC '95. The community -- even when
6 disagreeing among ourselves as to what the
7 future use of that property should be -- has
8 agreed that the cleanup -- as much as
9 possible -- should support unrestricted use.
10 We want to be able to put housing there some --
11 there someday if NASA ever decides to close the
12 runways. I think that's a realistic
13 possibility. So, when NASA and the Air Force
14 and Fed-Ex proposed a couple of years ago that
15 Moffett Field be opened up to air cargo planes
16 to fly over our homes in the middle of the
17 night -- which was not very popular -- we could
18 say, "Well, if the Navy's doing a good job of

19 cleanup, we don't have to accept an airport at
20 Moffett Field." We can do something else --
21 whether it be museums, whether it be education,
22 whether it be housing. We aren't stuck with
23 it.
24 Now, we do have a landfill that's being
25 capped by the bay and we accept -- that's going

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1 to -- should be open space, anyhow. We have
2 some underground fuel tanks -- very large
3 tanks. We don't expect those to be cleaned up
4 to unrestricted use while they're being used as
5 fuel tanks. So, there are exceptions to -- to
6 the push for unrestricted use -- but I think
7 it's been very critical for our community to
8 make sure that we get the maximum cleanup
9 because of the long-term uncertainty about how
10 the property is going to be used.

11 I just -- during the break -- talked to
12 the Base Environmental Coordinator from El Toro
13 and from my -- I was down there -- this was --
14 the community there was just also proposing the
15 conversion of that base into an airport and
16 I -- I really surprised them, because -- the
17 community there -- just say, "Hey, look. Mind
18 if I say something good about the Navy?"

19 They're cleaning this up" -- "this" -- "these
20 areas to unrestricted use. That's good. That
21 means you can say, 'We aren't stuck with an
22 airport.'" A lot of communities want airports,
23 but those that don't shouldn't be stuck with
24 them because their cleanup hasn't been
25 complete. So, that's what communities -- as

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1 far as I'm concerned, communities in the --
2 that's where this institutional controls issue
3 comes up. It may save money in the short run,
4 but the community loses its ability to respond
5 to different economic conditions. Because you
6 only clean up to an industrial use, then
7 there's a problem.

8 Now, I just thought of one example of
9 that -- it's actually technically a non-BRAC
10 facility. It's a formerly-used defense site
11 that apparently got appended to the cleanup of
12 the Newport Naval Base in Rhode Island where
13 the owner of the property wanted to use it for
14 a marina. He runs a marina and he was going to
15 do that. There's someone across the bay that
16 runs a marina and the market fell off for
17 marinas. So, now he wants to do it --
18 housing -- and he's pushing the Navy, who's
19 responsible for the cleanup at this plant, to

20 clean it up for housing. All of the -- the
21 deed restrictions and other forms of
22 institutional control enforcement would work
23 out. Even if you solve those problems, don't
24 totally solve the problem of the community's
25 need to be able to determine its destiny -- and

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1 that's -- that's the key issue that we've
2 learned at Moffett Field -- and I may never get
3 to see that the housing that we need is built
4 there, but at least -- I don't want the
5 contamination to be the reason to stop it.

6 I have one more issue I want to raise --
7 and it's -- it's based upon -- I guess it
8 should qualify as a rumor at this point -- it's
9 my understanding at some point fairly soon that
10 the Navy offices in San Bruno that have
11 supervised the cleanup may be shut down and
12 that the personnel who are responsible for
13 cleaning up Bay Area bases be transferred -- or
14 at least in -- in management -- to San Diego.
15 This is a problem I've heard from community
16 people who've been there -- or from the
17 Air Force. At a certain point in the program,
18 you start to lose your on-site activity from
19 the Armed Services. We're concerned about

20 that -- because part of our ability to work
21 with the Navy is based upon the accessibility
22 of the people that we have to deal with and we
23 know that organizations like the Navy and the
24 other Armed Services have to organize for their
25 own efficiencies, but there's a larger

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1 efficiency which means dealing with the
2 community. The Navy has done that well at
3 Moffett Field and we don't want to see that
4 undermined.

5 Thank you.

6 MS. PERRI: Thank you.

7 MR. CHOUDHURY: Mr. Bloom?

8 MR. BLOOM: My name is Saul Bloom and
9 right now I'm going to be speaking as the
10 Executive Director of Arc Ecology. I've been
11 involved in this issue for the past 15 years
12 and I'm slightly envious of Lenny because we've
13 had a much more difficult path to cross.

14 I wanted to first start my remarks,
15 though, by thanking the DERTF for the change in
16 the public hearing tonight -- change in the
17 process. We community members attending this
18 meeting found the design originally to be
19 somewhat offensive. We felt it to be a
20 corruption of the process of providing real

21 input into this process and I'm going to go
22 through why. Originally, when we think about
23 public hearings, we go back to the old
24 New England town meeting model where the
25 purpose of the meeting was to bring the

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1 community together and discuss the larger
2 issues -- both with the panel of
3 decision-makers and advisers impaneled to hear
4 the input of the community -- but also -- and
5 equally importantly -- to provide a forum in
6 front of which the community, in fact, could
7 hear the issues that all of us were going to
8 raise and so that the larger issues could be
9 bedded and we could all begin to be involved in
10 that larger issue and discussion together --
11 and, so, I am deeply appreciative that you have
12 chosen to modify your meeting agenda tonight
13 and return to that most American of
14 traditions -- the New England town meeting and
15 the open forum.

16 When I first started to get into this
17 process, people start -- ask me questions about
18 health risk assessment -- you know, "What do
19 they mean by this ten minus four, ten minus six
20 thing" -- and I would tell people, you know,

21 sort of off the cuff, "Well, you know ten minus
22 four is the cleanup level below which we want
23 to get our bases cleaned up to and our
24 communities protected," and, "One in a million
25 was our chance of getting it without a fight,"

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1 and that's sort of, you know, our feeling about
2 public participation. You know, we understand
3 and we want great public participation and we
4 know that there's mutual interest in public
5 participation, but all involved RAB members
6 really have to fight to get it.

7 We began -- my organization --
8 Arc Ecology began working on RAB Caucus in 1994
9 because we serve on -- at that point, five --
10 now, six -- RABs -- and what we found was is
11 that we were on six RABs, we had six stories,
12 we had six processes and we had six moving
13 targets in terms of how they were being
14 managed -- and the lack of consistency meant
15 that many communities were not given equal and
16 reasonable opportunities to participate in this
17 process. I remember going to three different
18 Navy public participation meetings about
19 contracting and hearing three different
20 stories. Most alarmingly, one of the
21 stories -- and the least favorable story -- I

22 was called to an Army community -- the Hunters
23 Point community -- largely African-American --
24 where we were talking about the opportunities
25 for contracting. The community participation

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1 people talked for a full ten minutes about drug
2 testing and prior felonies where that had not
3 happened at Mare Island and had not happened
4 before the East Bay Conversion Investment
5 Division of which I am a commissioner. And,
6 so, we wanted to see if there was a way that we
7 could bring RAB members together to begin to
8 develop some consistency within the process,
9 get some consistent feedback -- and, really,
10 that is the essence of true valuable public
11 participation. It is consistency. It is the
12 opportunity to participate. It is the
13 opportunity to participate fairly.

14 Public participation is public
15 partnership -- and, oftentimes, when we deal
16 with public partnership, we're in a junior and
17 senior partner relationship. Some people get
18 invited to the table, other people don't.
19 There's no consistency in this process. I know
20 that recently the Environmental Protection
21 Agency here in San Francisco opted out of the

22 process with U.S. Army on the feasibility study
23 for the Presidio Army Base precisely because
24 the regulators and the Presidio Trust were
25 going to be invited to the table and, at this

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1 point, the RAB was not invited and the feeling
2 on the part of RAB members -- of which I am
3 one -- was -- is that we were going to get a
4 chance to talk about it as soon as the decision
5 was made. We were very, very disturbed about
6 it and we feel that it sort of speaks to an
7 indemnifying problem about how uncomfortable and
8 confused we are about what public participation
9 ought to be. So, I'm here to offer a few
10 suggestions. Surprise!

11 First, we need full access to
12 information. Every RAB member I talk to --
13 with the exception of a rare few -- and God
14 bless them -- but a rare few -- have problems
15 getting documents, getting full access. I
16 remember the first Presidio RAB meeting I
17 attended, the Base Environmental Coordinator
18 there stood a stack of documents this high on
19 the table and said, "Gee, guys" -- you know, "I
20 can give you all of this, but you really don't
21 want that, do you? You want these little
22 executive summaries. I'll tell you what you

23 need to know." That was discouraging to all
24 the RAB members in attendance -- because even
25 though those documents are big -- you know,

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1 it's sort of like salad -- you have to pick
2 through them in order to get to the parts that
3 you want -- and that was what we explained to
4 people -- and as soon as the people in the
5 Presidio started to -- on the Presidio RAB --
6 started picking through that salad, they were
7 able to make very substantial and positive
8 comments about the cleanup, its goals, its
9 objectives.

10 True -- The second point that I want to
11 raise is true equality of input. That means
12 early, full, aimed at resolving conflict and
13 not deciding independent. That is a critical
14 component of public participation.

15 Third: Environmental justice. We all
16 talk about environmental justice, but what does
17 it really mean to us? Environmental justice
18 means very, very different things to different
19 people, but I would like to pose this sort of
20 overarching kind of concept to people.
21 Environmental justice in the context of base
22 closure means -- and base cleanup -- means a

23 successful solution to the -- and process --
24 that reflects the good of all, the
25 participation of all and respect for all people

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1 impacted by the process of base cleanup.
2 We are, right now, reviewing the
3 environmental impact statement for the
4 Hunters Point community for the transfer of
5 that facility that treats healthrisk as two
6 separate glasses of water that never come
7 together. We're redeveloping this property for
8 the benefit of this community. This is the
9 most contaminated community in the city of
10 San Francisco. The health risk assessment is
11 an eight-hour health risk assessment. It does
12 not take into consideration the fact that
13 people who live in this community get a toxic
14 dose so long as they're in this community. As
15 long as they work at the Hunters Point
16 Shipyard, that discrete eight-hour exposure
17 becomes a 24-hour exposure -- and, so, the
18 glasses actually mix. It isn't one discrete --
19 two discrete glasses standing beside each
20 other. So, it's looking at the context of the
21 purpose and the goals and objectives of the
22 cleanup and including versus excluding the
23 public.

24 True participation -- True public
25 participation is sort of the difference between

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1 being a telephone and a door. A telephone is
2 an excellent means of communication. You move
3 information through it. But, really, a door is
4 a way of moving from one place to another. As
5 a community -- As a community activist -- as a
6 RAB member -- I ask you to open the door. We
7 want to walk through the door with you. Our
8 purpose here is to walk through this door so
9 that we can walk through it together, bring
10 up -- bring base cleanup to a successful,
11 mutually agreeable and beneficial conclusion.

12 Oftentimes, we all think that we're
13 engaged in a conflict over objectives. When --
14 The colonel just recently came to the Presidio
15 Army Base and said to us -- we asked him, "What
16 did you think of the RAB?" And he says, "Well,
17 you know, you're certainly vocal" -- and we
18 certainly are -- but the look on his face
19 was -- said volumes to the people in that
20 room. It said that he wasn't comfortable with
21 us being vocal and that's the wrong message to
22 send to people who volunteer their time, spend
23 hours and hours, meet sometimes three times a

24 month to bring feasibility studies, remedial
25 investigations, environmental impact

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1 statements, what-have-you, to successful and
2 early conclusions. We aren't partners in this
3 process because our communities are dependent
4 upon your success. You have to succeed because
5 it's our health and our economies that are at
6 stake and we want you to succeed and we want
7 your help in doing that. We want your faith,
8 your trust and the ability to participate as
9 equals -- as Americans -- in this process.

10 Thank you.

11 MR. CHOUDHURY: Mr. Touhy, please?

12 MR. TOUHY: My name is Bill Touhy.

13 I'm the Project Director of the East Bay
14 Conversion and Reinvestment Commission in
15 Alameda County, working mostly with reuse
16 authorities on reuse -- because I -- I have
17 never been to a RAB meeting in my life. I
18 don't know a lot about them and I won't pretend
19 to be really speaking knowledgeably about RABs
20 in this.

21 My public involvement credentials come
22 from a long time ago. I suspect the first
23 major relevant flash or issue in my life was as
24 a professor in the late '60s advocating more

25 openness to university procedures. Maybe

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1 nothing has ever been as hard as that. And
2 since then, I've tried to work with the
3 National Laboratories Test -- Department of
4 Energy's National Laboratories -- another tough
5 nut to crack as far as public participation --
6 and I've worked with EPA in Region 9 here --
7 which was a very gratifying experience -- on
8 border policy issues. So -- Now, I'm working
9 with the East Bay Conversion Commission --
10 close contact with local reuse authorities --
11 and most of my comments will reflect that --
12 the reuse plan and the old process.

13 I did write a paper. I had it in in
14 December for which I expect a reward -- and I
15 won't read it. There are details in -- in
16 there that are probably beyond -- I'm going to
17 just do the highlights today and -- I prefer
18 not to read the paper.

19 Let's start off, then, with a really
20 off-the-top-of-my-head definition. What is
21 public involvement? It's a lot of things. The
22 one I cranked out in a big hurry was: It's a
23 two-way dialogue between diverse sectors and
24 appropriate decision-makers yielding a process

25 that seems fair and effective and results that

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1 are seen as legitimate. That's -- That's a
2 hell of a lot of experience cranked out very
3 quickly into something. I think there's a lot
4 of meat there. I'm going to just, now, hit
5 certain parts of that rather than go through it
6 systematically.

7 Dialogue: Dialogue is very important. I
8 commend DERTF -- however you say your
9 acronym -- to -- seems to be respecting the
10 need for dialogue. Most of the settings I work
11 in, I think, discourage dialogue. Too often
12 the procedures are someone is allowed to
13 speak -- whether at the end of the meeting or
14 not -- but nobody responds and everybody goes
15 and -- thinks what they want and the process
16 goes forward. In decision-making theory -- if
17 it's a word -- synoptic decision-making --
18 at -- at one point, it was kind of
19 characterized -- your past decision-making --
20 where you take in all the information and,
21 then, somebody miraculously arrives at the
22 right answer. Presumption: You get all the
23 information and the right answer because
24 obviously -- certainly, things we're talking
25 about here and certainly most of life -- if you

1 live them -- dialogue is how you figure out
2 what the hell makes sense and -- especially if
3 you have to make these decisions in
4 relationship to other people, you share your
5 understandings and give and take and develop a
6 process which doesn't necessarily arrive at
7 truth. It, hopefully, arrives at workable
8 decisions -- as close to meaningful decisions
9 as you can come. That's one point.

10 Another point I'd like to make is -- I
11 don't usually use the term "public involvement"
12 as much as "public education and
13 involvement" -- and this I learned especially
14 in my work with EPA. There's a lot of things
15 that go into public involvement and one of them
16 is education. Having a dialogue in front of
17 the public helps -- one of the two speakers
18 before me alluded to this -- having the public
19 hear what the decision-makers are thinking and
20 how they exchange information -- you get a much
21 more realistic understanding of
22 decision-making -- the give and take, the
23 different positions, a different
24 understanding. So, I think it's the
25 responsibility of public officials -- and,

1 of course, it's often not done -- but to have
2 dialogues in front of the public -- so the
3 public understands why decisions are made and
4 that there are compromises. I think the public
5 is probably better able to understand
6 compromises if they hear how they're arrived at
7 rather than just guess at them in the paper --
8 and, so -- report.

9 Another -- and I'm repeating what some of
10 the people have said here today, but I -- I
11 didn't know what they were going to say -- and
12 I wrote my paper in advance -- so I was first.
13 But I think the agencies are under obligations
14 to help educate the public and that takes time
15 and energy -- we know about that -- you have
16 to go to an awful lot of meetings at very
17 inconvenient times sometimes in neighborhoods
18 you might even be afraid to go to. I'd,
19 frankly, rather be in a neighborhood
20 sometimes -- and until now, I've never really
21 ventured into -- it takes money. I know EPA
22 has done -- provided technical assistance
23 dollars and I know that -- at least, on
24 paper -- and I read that DoD was doing that
25 and -- through -- some of the RABs, I guess,

1 have that -- access to money for technical
2 assistance. That's very important -- which
3 comes to my next point.

4 Organization: Lots of people love to get
5 three minutes at a stand like this and vent
6 their opinions, but my -- my own view is that
7 most effective public involvement goes through
8 organizations. You have to have resources, you
9 have to have perseverance, you have to have
10 more -- more knowledge than one person can
11 usually bring to it. So, I commend the
12 agencies to the extent they respect that and
13 support organizations to deal with them --
14 that's just my view. I think that in the long
15 run, organizations are what really make
16 effective public involvement -- not a lot of
17 isolated individuals venting their opinions.

18 Now, I'm going to really get in trouble.
19 I'm going to talk about some of the problems I
20 see in the process -- and I guess I might as
21 well start out with the one that's going to get
22 me in the most trouble -- and this does reflect
23 my parochial bias, I suppose, having worked
24 with reuse authorities. If a reuse
25 authority -- and Don Gray is going to get mad

1 at me, too -- if a reuse authority was selected
2 by a properly-designated local government with
3 whom we vote by election, I see a legitimacy
4 issue between the reuse authority and RAB,
5 which is chosen by non -- non-local
6 government -- maybe represents a lot of people,
7 but there are tensions there that I have --
8 that have been brought to my attention by reuse
9 authority people who say, "Well, we're the
10 proper representatives of the local community,"
11 and the RAB people were picked by the military,
12 by DoD, by different organizations. So, why is
13 it that they're legitimate? I can only pose
14 that question. I don't have the answer.

15 At one point, a base transition officer
16 came to me and asked for help -- asked for help
17 in resolving an issue and I wasn't able to help
18 her. I wasn't even able to get from her a
19 formulation of the issue that would help me
20 help her. So, I think it's a very complicated
21 issue. But it's clearly one that's on the
22 table sometimes. We all know that the reuse
23 authorities and their communities -- when I say
24 "reuse authority," I'm including the community
25 advisory group, which is their, in a sense,

1 open process to bring in the public. They're
2 focusing on reuse. The RABs bring together
3 people with a lot of expertise and interest in
4 cleanup -- environmental experts -- but there
5 is a tension around the doings here. I have
6 seen that and I think it's ongoing issue.

7 Another one -- Another problem I see are
8 cultural barriers -- and I'm talking now more
9 about a bureaucratic culture -- but not about
10 ethnic or national or things like that. Having
11 worked with National Laboratories -- and now
12 for the last five or six years for the military
13 and having been in universities for ten years,
14 there are distinct organizational cultures that
15 almost always make it very difficult for people
16 who aren't in those groups to be heard, to be
17 respected, et cetera. Either -- you know,
18 there are -- "You don't have a Ph.D., why
19 should I listen to you," or, "You -- "You
20 haven't been through the academy. You
21 really" -- you know -- polite -- I won't say
22 there's rudeness in that, but I'm saying
23 there's fundamental barriers around these
24 cultures. Clearly, when you bring together the
25 military, environmental professionals, lawyers,

1 a whole lot of other groups around base
2 cleanup, you've got major cultural barriers.
3 It's easier for me to go to another country
4 than to go into some of those cultures -- and I
5 have been to other countries.

6 Okay. Another hurdle -- in my definition,
7 I talked about appropriate decision-makers.
8 This is a big country and it's getting bigger
9 all the time. It's very hard to get the
10 appropriate decision-makers in any proximity to
11 the publics. I brought an example, which -- I
12 am definitely a dirty dog. I -- I don't play
13 fair. I took off the letter -- to mail it --
14 from this organization -- the return
15 address -- the Office of the Assistant Deputy
16 Under Secretary of Defense. Okay. So -- and,
17 truthfully, years ago when I first encountered
18 big government, I confronted something -- I
19 said, "What the hell is this?" You know,
20 because I thought a secretary sat at a desk and
21 and took dictation and things. First, I had to
22 realize that a secretary was a muck-a-muck in
23 government. But to look at that progression --
24 looking at the agency from the point of view,
25 you kind of identify with the top -- and the

1 secretary -- and "I work for the Secretary of
2 Defense" -- so, whatever level you might
3 work -- and you can identify with that and
4 understand that. From the public's point of
5 view, you're really starting out at the
6 bottom. You're saying, "Office of the
7 Assistant" -- then, there's an Assistant Deputy
8 Under and, then, there's a Deputy Under and
9 there's a Under Secretary and, then, there's a
10 Secretary. Well, it's very hard to relate to
11 that and understand what this means and how
12 decisions are taking place. I also used it in
13 conjunction with my comment about appropriate
14 decision-makers, because -- you know, we have
15 a -- Are you a Deputy Under Secretary? I lose
16 track. You're here. So -- I mean, that's
17 good, you know, but that doesn't happen on a
18 daily basis. It doesn't happen a lot and it's
19 very hard to have it happen a lot in this big
20 country we have and growing all the time.
21 So --

22 I did come up with a couple of
23 recommendations. I mean -- Obviously, there
24 are many, many things -- but in the time, I've
25 got to pick a couple things that I think are

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1 important. One is a recommendation to the
2 public -- and this certainly doesn't apply to
3 these two gentlemen sitting next to me, but --
4 it's: Don't back off when you hear what seems
5 to be a nonresponse to your question. Very
6 frequently, the public asks a question or says
7 something and -- and what they hear in response
8 makes no sense. It sounds like they weren't
9 understood or it sounds like evasion or it's
10 just incomprehensible -- and I'll give you one
11 that I heard not too long ago. I'm not sure if
12 I should have understood it or not. I did do
13 work on the nature of EIS on the Super --
14 conducting Super Collider for the Department of
15 Energy. I should know what an EIS is all
16 about. I only gave a year of my life to this
17 monster. At one base, the -- I'm not even
18 going to name the base or the military branch
19 because I'll just get in trouble -- at one base
20 in the preliminary planning meeting with the
21 commander and city officials, it was -- well,
22 it was announced that the military was going to
23 go ahead with the EIS before the community plan
24 was complete -- and, of course, that brought up
25 quickly the hackles of the community and --

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1 and -- I never heard any -- so, questions were
2 asked at that meeting and subsequent meetings.
3 I never heard a comprehensible answer to the
4 question, "Why are you going ahead with the EIS
5 before we've got our plan done?" I've heard
6 words and they were jargon-laden and reassuring
7 and all sorts of things, but they didn't make
8 any sense -- you know, things like that usually
9 are taken as polite. It's polite and quiet.
10 But those wounds fester and it's still
11 festering. It's still an issue and it's been a
12 couple years now and it continues to be an
13 issue.

14 The second bit of a recommendation -- and
15 this goes to the agencies -- this comes
16 especially from my work with EPA -- not as an
17 EPA employee, but as a consultant on a special
18 program set up to do public involvement on an
19 issue that makes base closure look like child's
20 play. It was water policy in California. If
21 you want to go to war, you can come to
22 California and talk about water policy.
23 Anyway, what I saw there and I've seen since is
24 it's critical -- the staff and public
25 involvement programs are critical. Most people

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1 aren't cut out for it. There are some that are
2 and can do wonderful things. They -- They just
3 have the knack for -- for being open to all
4 kinds of people who want to talk to them, for
5 seeking out all kinds of people, for
6 encouraging people, not being a judge of what's
7 coming in, but being a channeler of what's
8 coming in and building trust among agency
9 leaders that this will be a positive process --
10 and you don't find that every day. Even
11 recently, I've seen a sad case of a public
12 involvement program person who shouldn't be
13 there -- because there's discontentment and
14 disappointment on all sides. So, you have to
15 really look carefully to find a good public
16 involvement person. It's not just your normal
17 career person in a structure -- one of
18 bureaucratic culture that I'm talking about.

19 Finally, I'll just give you an example of
20 what many of us are very proud of with the EPA
21 program. It's -- I call it public
22 involvement. It's a lot of things. But in
23 this program -- when I started it in the late
24 '80s -- the water -- California has -- the
25 Sacramento River Delta is a critical ecosystem

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1 in the state -- because all the water that goes
2 south of Los Angeles and San Diego gets
3 taken -- most of it gets taken out of the delta
4 and pumped south. So, the discussion -- and we
5 had all kinds of science and major public
6 meetings about this -- was, "Is it or is it not
7 bad for the delta?" And a large agricultural
8 entity in the southern central valley said, no,
9 you're on a safe point now and some Southern
10 California people said it doesn't hurt the
11 delta. It's really just -- and they even found
12 the token scientist to come in and testify,
13 "Oh, it doesn't hurt the delta. It used to be
14 this" -- Well, it was bullshit. I mean, you
15 have 999 out of 1,000 scientists -- you have
16 common sense, you have everything saying, "This
17 is bullshit" -- but that was the dialogue that
18 we came into. Five years later when we left --
19 and (inaudible) was singled out as one of our
20 major accomplishments on this program -- we had
21 the people from the southern valley -- the
22 (inaudible) Valley of Los Angeles -- saying,
23 "It's really an economic issue." That put us
24 a lot farther ahead than we had been and this
25 dialogue is now continuing at state and federal

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1 levels and they're not wasting everybody's time

2 and insulting each other by these hidden
3 agendas and pretending it's something it
4 isn't. It actually was quite an amazing
5 accomplishment -- that we got people to say,
6 "What I really want it for is the
7 following" -- "and I admit" -- "you're right
8 about the damage. So, now, let's talk about
9 the reality of the situation." The public
10 involvement program had a lot to do with that,
11 because we just got out there and got so many
12 people informed. We educated them and we gave
13 them channels to feed back, then we were
14 talking about the reality after a while and
15 not, you know, these positions.

16 Well, I'll close with something I couldn't
17 resist -- I wrote in my paper -- I wasn't going
18 to say it, but -- and it will definitely get me
19 in trouble -- and it doesn't mean I think this
20 way, but it's one thing. Public involvement
21 can be like an old dog. You either love it
22 deep in your heart or it can be an unmitigated
23 nuisance.

24 MS. PERRI: Okay. We're going to --
25 Thank you all for your presentations. I

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1 thought they were very good -- and I guess what

2 I'd like you-all to think about as you answer
3 all of our questions and we move into tonight's
4 session is -- you know, how we can improve the
5 process -- specifically at this meeting. I
6 wanted to emphasize, as you can see, our
7 ability to communicate with you electronically
8 and how you can interact with us. Because we
9 can't be everywhere all the time and -- but we
10 are available to you. And, so, part of our
11 purpose at the room next door is to educate you
12 on how to reach us and how to reach us all the
13 time. We have bulletin boards. We look at
14 what you send us. We look at what goes on in
15 other areas of public communication. We try to
16 be responsive. But I'd ask you to think about
17 how we might improve that, how we can be
18 bringing more people into our electronic
19 communication system -- which is what we're
20 going to be using more often -- and how we can
21 work to educate, I think, the military on
22 really what is the right type of person that
23 would be a bit more responsive -- hitting on
24 your comments, Bill. You don't want to see a
25 public affairs officer -- you don't want to see

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1 a military person who -- maybe it's body
2 language or -- or other means suggests to you

3 that they may not be listening. But what
4 characteristics do you look for and how can we
5 find the right people and how can we work with
6 the components so that we really do send the
7 right person to do the job? We're investing a
8 lot of time and a lot of money. We do want the
9 input -- and -- and we need, I guess, a lot
10 of the how-we-might-be-able-to-listen-a-little-
11 bit-better. Because I think specifically
12 that's an issue -- response -- to some of the
13 others here today.

14 Lenny?

15 MR. SIEGEL: In my community, putting
16 something on the web or using -- sending
17 electronic messages works great. Whenever our
18 alliance group are in the Moffett Field or
19 Silicon Valley, we have an elicitor group
20 that's locally organized at grassroots at a
21 couple hundred households and you can reach a
22 lot of people better. A lot of communities,
23 though, have a lot of people who by culture,
24 income or expertise still don't really have
25 access to the Internet and I think it's very

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1 important not to only communicate with people
2 that do. I mean, this is really an

3 environmental justice issue that -- you know,
4 in my community, you can reach a whole lot of
5 people. That's what we use for organizing. It
6 works real well, but not at -- not every place.

7 MS. PERRI: I don't disagree with
8 that -- and that, again, is only one form of
9 communication. Similarly, our change in
10 format -- which we're going to compromise on
11 tonight -- was also meant to address that
12 community who may not be as comfortable as some
13 of you are with talking to an audience and
14 meeting with a committee like ours -- and I ask
15 you to keep that in mind as we look for ways to
16 involve people on a more daily and regular
17 basis.

18 MR. BLOOM: But -- if I may -- I
19 appreciate that coming from Lenny, considering
20 how much he spends on the computer -- how much
21 time he spends on the computer. But --

22 MR. SIEGEL: That's my --

23 MR. BLOOM: I know. But -- you know,
24 for many of us, the -- the computer systems
25 that we're seeing right now being developed

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1 sort of are a band-aid on the problem, which is
2 that -- it's the systems that we already have
3 in place where there's public participation --

4 the RABs, for example -- with all due respect
5 to my friend -- they should be working properly
6 and they will be providing you with the kind of
7 input that you need. These things have been in
8 place for years. They have -- Many of them --
9 I mean, I -- I meet so many RAB people and
10 they're all -- you know, pretty intelligent and
11 wonderful people. They all know how to talk
12 and very few of them are very shy.

13 So, I think that while we look for other
14 solutions, we need to make sure that the things
15 that we already have in place actually work.
16 And, so, as a RAB member, I think that's really
17 the first place to go -- is -- is making sure
18 the RABs work. Otherwise, all the computers
19 and bulletin boards and whatnot that you have
20 in place aren't really going to be addressing
21 the problem. So, I would just urge you to
22 consider that.

23 MS. PERRI: But I guess -- how do
24 you -- how do you involve the minority
25 community and the people that are not able to

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1 participate in the RAB?

2 MR. BLOOM: Well, funny you should
3 mention that. The RAB Caucus -- tonight --

4 I mean -- or least -- perhaps -- perhaps
5 tomorrow -- I'm not sure quite when it's going
6 to come up on our agenda -- is going to be
7 presenting a piece on public participation --
8 our feedback on environmental justice -- and,
9 so, I'm going to defer to my community's -- and
10 all the folks that I'm working with and --
11 their comments for you -- but I believe that --
12 you know -- so, basically, from my point of
13 view -- having a process that they feel -- we
14 feel -- comfortable in, that respects, their
15 issues, their needs, that looks genuinely at
16 their communities and treats them as equals and
17 partners goes a long way. People respond very,
18 very well to be being treated well.

19 When I attended my first RAB meeting at
20 Hunters Point Shipyard, the meeting was abysmal
21 because the -- the Navy just did not know how
22 to talk to the community. So, you need to know
23 how to talk to people. You need to know how to
24 listen to people and the Navy still has a
25 terrible time at Hunters Point and in Vallejo

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1 talking and listening -- and those two skills
2 go a long way to satisfying the needs and
3 concerns of environmental justice communities.

4 MS. PERRI: Bill?

5 MR. TOUHY: I spent a considerable
6 amount of time in -- I guess I would put it --
7 back to personality. For one thing, if you're
8 specifically talking about the minority --
9 under -- economic and underprivileged minority
10 community -- first of all, you've got to have
11 some patience and take a little bit of abuse,
12 but then you can get past that -- I mean,
13 people do want to sound off -- first -- a
14 lot -- and -- you know, you have to say,
15 "That's my job. I'll sit and listen to this
16 and" -- because usually -- you'll see -- you
17 can get past it. But they do need extra help
18 sometimes, too. I mean, it's very
19 discouraging -- you'll find -- at least in my
20 experience -- that relatively few people in the
21 community will participate under normal
22 circumstances. I guess there are things you
23 can try to do, but it's very hard. I haven't
24 yet seen the answer to that one. But I -- I
25 guess it's trying. I mean, you do need a

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1 response. If you try, you will see you are
2 appreciated and you will just see at times --
3 little extra things you can throw in and do --
4 but I -- I would have to agree that -- I'm

5 afraid the high-tech solutions aren't usually
6 going to reach people like that.

7 I also have my own questions. I don't
8 know -- I'm not on the Internet much -- but
9 dialogue. Dialogue, I guess, takes place in
10 things like chat rooms, et cetera -- and maybe
11 that's -- maybe that is dialogue -- you know,
12 I -- I tend to -- I'm more used to the personal
13 dialogue, I think.

14 MS. PERRI: I'm going to go to my
15 right again. Brian? Do you have anything?

16 MR. POLLY: I want to thank the three
17 of you for being very candid and open with us
18 and talking about a lot of things that we've
19 talked about as a group for the last couple of
20 years -- and I personally speak for myself.

21 One thing I do want to ask you, Bill --
22 and you talked a little bit about it in your --
23 the paper as well as the dialogue. What
24 specifically do you think we need as far as
25 coordinators or -- I'll use the word

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1 "facilitators" -- with the local community?
2 I mean, can you give us a little idea so we
3 have a better understanding of where you're
4 coming from?

5 MR. TOUHY: To tell the truth,

6 probably not. As I said, I really don't --
7 I've never been to a RAB meeting. I -- I
8 wouldn't be -- I don't have enough exposure to
9 decision-making on the environmental --
10 specifically in the context -- to know how that
11 works.

12 MR. POLLY: What about the -- the
13 other panelists?

14 MR. SIEGEL: Moffett is in a
15 situation where over a period of time the
16 parties are learning to work together. We've
17 never had a professional facilitator. We take
18 turns in terms of the community co-chair and
19 the installation co-chair chairing the
20 meetings. We have presentation from the BCT,
21 alternating from the different
22 representatives. It's, basically, the
23 willingness to share authority -- not just
24 involvement, but the actual authority.

25 What I can remember is at one point there

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1 was a remedy that went up for a public
2 hearing -- and, actually, the community
3 co-chair at that time chaired that meeting
4 rather than anybody from the installation --
5 and I think that worked very well from the

6 Navy's point of view -- showing that we indeed
7 had come to an agreement among the various
8 parties and that everybody thought this was the
9 best remedy.

10 MR. BLOOM: When -- Again, I think
11 this all comes down to the training of the
12 personnel involved and their ability to go
13 ahead and see beyond themselves and their own
14 personal issues and to reaching out to the
15 community and attempting to engage the
16 community whenever they're actually nervous
17 about that. I mean, the most problematic
18 examples we have in this region of Fort Ord,
19 Hunters Point Shipyard, Mare Island -- where we
20 have ongoing problems -- where I found some
21 success -- again, there's Lenny's RAB --
22 there's the Treasure Island RAB where the base
23 environmental coordinator tends to be very
24 forthcoming with information and doesn't appear
25 to be hiding the ball -- and -- you know,

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1 people know it -- as you're saying, Brian --
2 you know, we look them in the eye and they tell
3 you something and you feel it down in the pit
4 of stomach that it just isn't true. People
5 know it and it doesn't engender a lot of -- a
6 whole lot of faith -- and I think that you can

7 do a million different things, but the most
8 important thing is knowing that we're all here
9 to solve this problems -- and once you get to
10 that point, then no matter how gnarly that
11 problem may be or how uncomfortable it may be
12 or how embarrassing it may be, that -- I'm not
13 going to allude to anything happening in
14 Washington right now -- but you can, in fact,
15 get to a point where you start to build trust
16 and build effective relationships.

17 I do want to say one thing about Bill's
18 point about the tension between local reuse
19 authorities and RABs -- and I do believe that
20 that's an institutionalized but artificial
21 problem. I think that despite the fact that
22 the local reuse authorities are, in fact,
23 nominated by local politicians and are,
24 in fact, put on the RAB by their employers --
25 the higher-ups over there -- I find that when

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1 they work together, they achieve a much quicker
2 result. Because we both, in fact, do have a
3 parallel responsibility for the -- and we work
4 together effectively in the process and move
5 the process along.

6 MR. TOUHY: I -- I thought of one

7 thing. I've written too many papers in my
8 life, so I -- I look to Ronald Regan, who was a
9 greater speaker -- and I say, "Yeah. Just talk
10 about experience. Forget all this formal
11 stuff."

12 When I worked with EPA, I had to fight to
13 get into some meetings. My role is going to be
14 spokesperson in the community -- the whole
15 region -- from here to Sacramento down past
16 San Jose -- the whole -- and I felt -- as a
17 spokesperson for this process -- I didn't know
18 what was going on and how decisions were
19 made -- and some of the people I worked with on
20 the ETA knew why I didn't come to meetings --
21 certain meetings -- and, luckily, the director
22 within EPA appreciated my position -- and I
23 would say one thing is the representative has
24 to know what's going on. Because if you send a
25 representative out to a community meeting or

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1 any other meeting and somebody says, "Well,
2 what is your organization doing or thinking,"
3 and if they don't know or if they get it wrong,
4 you're going to have no credibility left. If
5 they know more about your organization than you
6 do -- I mean, I would bet that there's times
7 when Saul has known more about what an

8 organization is doing than maybe the person
9 who's talking to him would -- even might have.
10 Well, that happens -- and -- and I felt
11 that -- a real tension. I mean, I was out
12 there talking to -- agricultural areas -- and
13 were being pounded with questions about this
14 water policy and agricultural questioning and
15 stuff like that. Luckily, at that point, I had
16 gotten to know what EPA was doing so I could
17 give intelligent responses. If you can't,
18 they'll see through it real soon and just --

19 MS. PERRI: Okay. Thank you. Stan?

20 MR. PHILLIPPE: Yeah. Thanks, guys.
21 Working out here, I have access -- or they have
22 access to me, I would like to think -- and
23 we're able to talk issues through. One of the
24 things that Saul said is that there are places,
25 though, in the process that you don't have

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1 adequate access or -- or that you feel like
2 you're being shut out. Is it a matter of shut
3 out from documents that you need access to or
4 meetings that you need access to or information
5 exchange from my project managers -- or
6 what -- what do you feel like is the area that
7 needs improvement?

8 MR. BLOOM: Well, let me give you a
9 really concrete example that some of the people
10 sitting in the back of this room have had a lot
11 of things to do with -- and they are people
12 from the Southeast Alliance for Environmental
13 Justice, Communities for a Better Environment,
14 people that make up -- here in
15 San Francisco -- the Clean Water Alliance. We
16 recently -- for those of you who know
17 San Francisco know we have a plot of land down
18 south over there called Mission Bay -- and for
19 25 years it's been this mess. It's been
20 contaminated and hasn't moved. Recently, the
21 Tellis Corporation (phonetic), which is
22 responsible for the development of that
23 property, came to the environmental community
24 and said, "Look, we have the property. Let's
25 come to an agreement about how we're going to

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1 proceed so we can get this together and get it
2 going." And, you know, within -- I don't
3 know -- maybe six months -- eight months --
4 I forget how long it took -- the
5 environmentalists, community activists and the
6 Tellis Corporation hammered out an agreement
7 that we signed and represents a real landmark
8 kind of thing and now that project is going.

9 Now, eight months? How long have you been
10 at this process? I was kicked out of western
11 division -- oh, not -- just -- about a year
12 ago -- trying to get into the meeting about --
13 that was going on with the Navy and the
14 developers for the Mare Island facility --
15 simply because -- you want to sit in reserve,
16 you didn't want talk. We were told we were
17 invited to that meeting. We were -- We've been
18 trying to get into the feasibility study
19 discussions at Presidio now. We had a
20 consensus agreement with the Army, but the Army
21 backed down on it and we were quite
22 disappointed with that. I mean, these are
23 actual experiences that we're having.
24 The issue of access to base cleanup team
25 meetings: Now -- you know, people say, "Well,

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1 you know you can't be in these meetings because
2 we're going to be talking about contractors,
3 we're going to talk about budget," and
4 whatnot -- or -- or you know, "proprietary
5 information" -- and my thinking -- the majority
6 of RAB members don't care about those aspects.
7 You're going to discuss the budget -- yeah --
8 I mean, we're very concerned about how the

9 money is being used -- of course, God knows it
10 is our money -- but the -- what we're actually
11 interested in being involved in is where the
12 rubber hits the road and the decisions are
13 being made about cleanup -- the schedules, the
14 priorities and all of that sort of stuff --
15 those are the things that we're not getting
16 access to.

17 We're also finding it difficult in some
18 cases to still get documents. We in the
19 Bay Area have done very, very well by
20 documents, but I know people in New Mexico,
21 people in Texas, people in -- in other
22 locations that don't get documents. Somebody
23 is going to be speaking here from San Antonio,
24 Texas, later on, that was promised documents at
25 a DERTF meeting to be translated into

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1 Spanish -- and you were sitting there in that
2 meeting not six months ago -- and we still
3 don't have any movement on that issue. How can
4 people participate if their primary language is
5 not respected and they don't have access to the
6 ability to participate? That's what holds up
7 the progress. We can get through this thing
8 really quickly if we had those kinds of
9 access.

10 I happen to like working with DTSC myself,
11 so -- you know, I'm -- you know, I -- I think
12 DTSC has done an overall good job, but I would
13 say that oftentimes we still have to push our
14 way in even to DTSC's doors. There is still
15 institutional resistance. There is concern of,
16 "Why are you looking over my shoulder? I'm
17 working hard. I'm doing an adequate job." And
18 the whole point isn't we're looking over your
19 shoulder. The whole point is, is that we want
20 to participate so we can solve the problems
21 together -- because we know things sometimes
22 and you don't.

23 MS. PERRI: Okay. Thank you.
24 Steve? Anything?

25 MR. ROGERS: We sort of heard today

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1 and -- running through various presentations --
2 a theme -- the LRA, the RAB tensions. Bill,
3 you say -- to a certain extent in your paper,
4 there's questions of legitimacy in terms of
5 representational status and why do RABs' views
6 represent the community any better than someone
7 just off the street and the issues sort of
8 suggest typical problems and I'm just
9 curious -- and the three of you -- Saul, you

10 say you've had experiences where you've worked
11 well together, but that sounds like it may be
12 the exception --

13 MR. CHOUDHURY: Excuse me.

14 Mr. Rogers, could you speak into the
15 microphone?

16 MR. ROGERS: I thought I was. I'll
17 speak closer.

18 I'm curious what -- what the three of you
19 would suggest as a way for -- in the future --
20 if we were to suggest at the DERTF ways that --
21 that Congress or DoD might want to change the
22 interaction, the relationships with LRA and RAB
23 to deal with those tensions. What would you
24 suggest?

25 MR. SIEGEL: Overall, I think in the

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1 Bay Area -- over time, the RABs and the reuse
2 authorities tend to move closer together as
3 part of the process. There are two reasons for
4 the tension that I see. One is often the --
5 the land use planning jurisdiction is --
6 represents a much larger area than the affected
7 community. So, their representation through
8 tax dollars as some sort of an economic benefit
9 for the redevelopment of the property -- and
10 only a small portion of them -- or represent

11 anybody before you drop the contaminated
12 groundwater -- they want to put the dirty
13 business in that part of the town, which is
14 the -- the reputation for Bayview
15 Hunters Point -- power plants there, sewage
16 plants there -- well, in some cases -- liberal
17 contamination there -- and they -- the whole
18 city feels that way and the people who are most
19 affected don't.

20 The second thing is the people who are
21 elected to the City Council are elected on a
22 large number issues. They may have been
23 elected before base reuse was ever a question.
24 So, you voted for somebody -- "I like his
25 position on abortion," or, "I like your

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1 position on education," or something like
2 that -- it doesn't necessarily come down to
3 what you want to see happen on -- on the
4 reuse.

5 Now, our experience at Moffett Field --
6 although it was not a transfer to a non-federal
7 entity -- local government was pushing for this
8 use of air cargo. We had meetings where it
9 sounded like the City Council members from
10 Mountain View and Sunnyvale were actually

11 working for NASA, they were pushing so hard for
12 that proposal. They did that -- and, so, we
13 had an election and the first voter down
14 there -- and opposed them and threw them out.
15 So, over a period of time, the communities do
16 have a chance to influence the people that end
17 up representing local government. But at
18 first, on a base that's starting to close, the
19 people there may not -- you know, they may --
20 may have nothing to do on that. So, you have
21 to look at both those issues. Is there a
22 community which is more affected than the rest
23 of the town and were the people elected with
24 these issues in mind?

25 MS. PERRI: We're out of time --

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1 We're out of time right now -- so if you don't
2 mind, what I'd like to do is see if you have
3 more questions -- we have -- what I'd like to
4 do is make sure everybody gets an opportunity.

5 MR. REIMER: Bill, a very quick
6 comment that may add to your repertoire or your
7 definition in a sense -- but -- from Fort Ord,
8 there emerged the definition of consensus as an
9 unnatural act committed by unconsenting
10 adults.

11 Saul, a question, too: When we heard

12 from -- from Dan previously -- and in his
13 slide -- he had specifically said that part of
14 the trouble that he viewed were the people who
15 were left out of the reuse process looked to
16 the BCT or to the RAB for an appeal. Now, I
17 would tell that I respect the fact that you
18 have probably attended more BRAC meetings than
19 anyone on the face of the earth. I don't know
20 if that's a fact, but that's at least my
21 impression.

22 MR. BLOOM: I think Lenny and Aimee
23 (phonetic) and I share that position.

24 MR. REIMER: Very good. And from
25 that distinction, could you let us know how

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1 often do you see this as being an event that --
2 in other words, the -- the effort to find an
3 appeal? Is that an adequate -- an accurate
4 definition? Does it interrupt the RAB process
5 continuously or what's your view of Dan's
6 observation?

7 MR. BLOOM: Well -- you know,
8 because we're in a -- this, quote, unquote,
9 "limited budget environment," reuse issues do
10 drive cleanup decisions and people who live in
11 these communities see them and that's what --

12 and, so, you can't -- it's sort of an
13 artificial distinction. I mean, one of my
14 biggest disappointments in this process is that
15 we were -- in the State of California --
16 working with the Department of Toxic Substances
17 Control -- Lenny and I were involved in this --
18 building this thing -- through the California
19 Base Environmental Advisory Group -- to create
20 a forum to invoke the reuse authorities and
21 RABs to do problem solving on. "How could we
22 make the two programs work for more effectively
23 together and link?" The problem was that the
24 cuts in DSMOA funding, basically, eliminated
25 that program. And, so, that program was

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1 in fact aborted and a forum that could have
2 provided the same valuable input that the
3 (inaudible) process had earlier -- earlier on
4 was not -- never came to fruition. So, I would
5 say that -- again, go back to the point,
6 people -- Lenny's point -- that people who live
7 in the community have a very, very closely
8 linked interest to where the reuse process is
9 going to go. To make them separate and apart
10 from each other is to create an artificial
11 divide between sort of two halves of the twin
12 and it just don't work. It really doesn't

13 work. You have to think about the two
14 simultaneously. Otherwise, you're not looking
15 at the process in a holistic -- and, in fact,
16 an efficient effect -- and that's why there's
17 so many arguments between the two bodies. If
18 they were made to -- told that the objective is
19 to work together, I think you'd get a lot more
20 work done.

21 MS. PERRI: General?

22 GEN. HUNTER: First, let me say that
23 you gentlemen have provided a real insight to
24 my first meeting. But having been out here on
25 a previous assignment, I certainly understand

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1 some of the issues that you have illuminated
2 this afternoon.

3 One of the things I wanted to ask Saul and
4 Bill -- you're talking about never attending a
5 RAB and you talk about not being involved in
6 the reuse authority decisions. Is there no
7 effort to have a member of the RAB represented
8 on reuse?

9 MR. TOUHY: To have a what?

10 GEN. HUNTER: You talked --

11 MR. TOUHY: Just the last question
12 for me.

13 GEN. HUNTER: Yeah. The last
14 question is, "Was there an effort to have a
15 member of the RAB as a part of the reuse
16 group?"

17 MR. TOUHY: Well, I couldn't site a
18 specific case in Alameda or Oakland.
19 Overlapping membership is one of the things
20 that people talk about -- and in some cases,
21 apparently, that's the case. I hear of that.
22 So, that's one of the possibilities --
23 you know, to ensure that there's continual
24 overlapping membership.

25 MR. BLOOM: I'm sort of -- and -- and

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1 Arc is sort of a special case -- because we
2 just, basically, don't take no for an answer --
3 so we can get on these bodies. But the reality
4 is -- in the main -- from our experience --
5 is that there may be occasions where local
6 reuse authority individuals sit on RABs, but
7 it's rare that RAB members sit on local reuse
8 authorities -- and that is -- has -- and has
9 been a continual source of contention between
10 the two -- and, often, when local reuse
11 authority people sit on RABs, they don't come
12 to the meetings. They're there -- They're
13 there maybe once a -- unless we have -- and you

14 just don't -- they just don't have the level of
15 dialogue in the main that's needed to make the
16 process work together.

17 MR. SIEGEL: Yes. I think what
18 you're really talking about are the local reuse
19 advisory groups. Usually, the local reuse
20 authority is an institution of local
21 government -- and when they say an advisory
22 group at Moffett -- our new chair -- it's
23 between the cities -- and NASA's a part of it
24 as well -- the former community co-chair
25 was -- was -- was on -- put on that. He

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1 actually is the one who briefed the entire
2 community advisory committee on reuse on the
3 state of the cleanup. So, it hasn't -- does
4 work with --

5 MR. BLOOM: And I was referring to
6 sitting on the local reuse advisory group.

7 GEN. HUNTER: Okay. The reason I ask
8 that you -- you raised the issue of public
9 education as well as a thought for a better way
10 to bridge the community instead of having --

11 MS. PERRI: Thank you. Thomas?

12 MR. EDWARDS: I'd like to pick up on
13 the comment of Bill Touhy's and that's the

14 legitimacy of RABs. I, too, had concerns about
15 the legitimacy of RABs as a stakeholder
16 involved in the process. When I first looked
17 at it, it did not seem very demographic
18 really. But after -- after participating in a
19 lot of RAB meetings in Texas and -- and some
20 nationwide with DERTF -- I came to the
21 conclusion that there's a very mysterious sort
22 of a linkage between the success of the base
23 cleanup and the way the RAB works.

24 When the cleanup is not going well and the
25 BCT members are at odds and you know the RAB

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1 meeting was very contentious and there's a
2 certain point that the base cleanup starts
3 going well, somehow the RAB intuitively
4 understands something and the RAB meetings
5 start going better, too. So, I've now come to
6 the point where if I had just one meeting to go
7 to and I wanted to know how well a cleanup is
8 going at a base, I would always go to the RAB
9 meeting with -- in preference to any other --

10 MR. SIEGEL: Tom, I think you've got
11 that -- in association -- causation goes the
12 other way. If the RAB is working well, it
13 makes it easier for the members of the BCT to
14 work together.

15 MR. EDWARDS: I'm not sure about
16 that. I've seen it -- I've seen it work the
17 other way, too.
18 MS. PERRI: Jim?
19 MR. WOOLFORD: I actually don't have
20 any comments or questions. I'd just like to
21 thank you for your insightful presentations.
22 It was very instructive and not any one thing
23 was taken as a whole. I think this gives us a
24 very good perspective of what's needed out
25 there.

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1 MS. PERRI: Don?
2 MR. GRAY: Oh, I have a dozen or so
3 questions.
4 MR. SIEGEL: Don, send me an e-mail.
5 MR. GRAY: But I did want to take
6 this opportunity to thank our participants.
7 I -- Bill, I think you probably would get the
8 award for the next to most entertaining panel
9 we've had in a long time -- and it certainly
10 has been beneficial to -- to listen to the
11 experiences of the three of you.
12 I'll just make one observation. I think
13 you're all a product of your past experience
14 and I can see and sort of compare listening to

15 the three of you that you-all have had -- and
16 had very different experience -- many -- in
17 some respects, you had an ideal situation, you
18 had a lot of things going for you where, Saul,
19 some of your situations have been -- have
20 negative merit. Bill, I think you perhaps
21 participated with reuse authorities that are
22 set up in a fairly democratic stance and -- and
23 so on. But I think the thing that -- I think
24 to some extent -- and lots of people -- it's
25 like -- my favorite story is of six blind men

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1 in the outhouse and they're all trying to
2 describe them and they describe them very
3 differently. They don't know which parts of
4 the anatomy they have to grapple with.
5 But the one thing I saw in common between
6 the three of you is you-all understood one
7 thing -- and that is, the thing that will get
8 you more trouble than anything else is
9 exclusion from the process -- and even
10 though -- and your experience of that, Bill,
11 was when you were working for EPA and they
12 weren't telling you what they were doing and --
13 Thomas Edwards ran a simulation a few years ago
14 for the -- for the DERTF and the thing that
15 caused the most dissension in the whole thing

16 is that I was supposed to be representing the
17 RABs and they wouldn't let me into the LRA
18 meeting and they wouldn't let me into the BCT
19 meeting -- and I think bringing it down to a
20 fairly practical level that that's what is at
21 the base of a lot of the other problems in
22 terms of public participation -- whether or not
23 the members of the RABs feel that they're --
24 they're being excluded and I don't know what
25 the problem is, but -- and I think -- at the

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1 BCTs, I hear a lot about concern -- and I don't
2 think this is restricted to the RABs. I think
3 the LRAs may also feel excluded from the BCT
4 process at some points and it -- I think one of
5 the best things we could do to improve this
6 situation would be to open up the BCT process.
7 You described it very well, Bill, when you
8 said, "What makes this work is when people have
9 deliberations and there are back-and-forth
10 discussions in front of other people." And I
11 think that's the answer.

12 MS. PERRI: Okay. Thanks.

13 Shah has a few remarks before we break.

14 MR. CHOUDHURY: Thank you,

15 Ms. Perri.

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2 COUNTY OF BEXAR *

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